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Cambodia

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I. Introduction

1. The Kingdom of Cambodia has a population of approximately 15,717,674[1] in 2017 and area of 181,035 km^2 that consists of 1 capital, 24 provinces, 26 cities, 12 khans, 159 districts, 1,410 communes, 236 sangkats, and 14,383 villages.[2]

2. The Kingdom of Cambodia is a least developed country with an average economic growth of 7% over two decades and continues to grow around 7.1% in 2017 and the coming years. The total revenue in 2016 was USD 20.02 billion, which the average of gross domestic product (GDP) was USD 1,435.[3] These factors have made Cambodia graduate from a low-income country to a lower middle-income country where poverty rate has been reduced from 53.2% in 2004 to 13.5% in 2015.[4]

3. The Kingdom of Cambodia has accepted various principles of international human rights as a foundation for its citizens to live in peace, as stimulated in Article 31 of the Constitution of the Kingdom of Cambodia that, "*The Kingdom of Cambodia recognizes and respects human rights – as enshrined in the Charter of the United Nations, the Universal Declaration of Human rights, and all treaties and conventions related to human rights, women's rights and children's rights. Cambodian citizens are equal before the law and enjoy the same rights, liberties and duties regardless of race, color, sex, language, beliefs, religions, political tendencies, birth origin, social status, wealth or other situations. The exercise of personal rights and liberties by any individual shall not adversely affect the rights and freedoms of others. The exercise of such rights and liberties shall be in accordance with the law.*"

4. With regard to the conditions of the aforementioned Paragraph 3, the Kingdom of Cambodia has an obligation to submit the Universal Periodic Review (UPR) report on the implementation of human rights to the United Nations, which was reviewed for the first cycle in December 2009 and the second cycle on 28 January 2014. For the second cycle, 205 recommendations were raised by 76 countries for Cambodia. The Royal Government of Cambodia (RGC) officially accepted 162 recommendations and took note of 43 recommendations.

5. The RGC is pleased to inform the United Nations of the implementation of 162 recommendations in its national report for reviewing during the third cycle of the UPR process. This national report was developed through consultations with relevant inter-ministerial working group three times and with stakeholders and civil society organisations (CSOs) twice. The contents responding to recommendations are in Section 2 of this report.

II. Responding to recommendations

A. Ratification of the International Covenants and Conventions on human rights (Recommendations No. 6–12)

6. The Kingdom of Cambodia is signatory member of nine core human rights treaties in which Cambodia has acceded and ratified eight out of the nine core human rights treaties such as:

- International Convention on the Elimination of All Forms of Racial Discrimination (28 November 1983);
- International Covenant on Economic, Social and Cultural Rights (26 May 1992);
- International Covenant on Civil and Political Rights (26 May 1992);
- International Convention on the Elimination of All Forms of Discrimination against Women (15 October 1992);
- International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (15 October 1992);
- International Convention on the Rights of the Child (15 October 1992);

- International Convention on the Rights of Persons with Disabilities (20 December 2012); and
- International Convention on the Protection of All Persons from Enforced Disappearance (27 June 2013).

7. The RGC has been studying legal factors, national economic factors, and relevant factors to determine appropriate time and condition, which will ensure that the Kingdom of Cambodia deserves ratification or accession of other international treaties such as the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the UNESCO Convention on the Prevention of Discrimination in Education, the two Optional Protocols to the International Covenant on Civil and Political Rights, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and Article14 of the Convention on the Elimination of All Forms of Racial Discrimination and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

B. The establishment of national mechanism (Recommendation No. 13)

8. The RGC has set up the national anti-torture mechanism called "The National Committee against Torture, Other Cruel, Inhuman or Degrading Treatment or Punishment (NCT)" in accordance with Royal Decree No. NS/RKT 0817/619 dated 22 August 2017, with nine members from different ministries/institutions and a secretariat. The Committee works independently on its functions in accordance with the Optional Protocol to the Convention against Torture and cooperates with the United Nations Sub-Committee against Torture in the Asia-Pacific. According to the above Royal Decree, Sub-Decree No. 28 ArNKr.BK dated 27 February 2018 and Letter No. 1203SCN dated 12 July 2018 have mandated the Committee to disseminate the national and international regulations related to torture, investigation in prisons, and temporary custodies in cities/provinces, without any prior notification.

C. Judicial sector (Recommendations No. 14–24, 80–96 and 99)

9. **Recommendation No. 14**: the Criminal Code of the Kingdom of Cambodia was promulgated by Royal Decree No. NS/RKM/1109/022 dated 30 November 2009. In order to ensure the implementation of this Code, the Ministry of Justice has conducted a series of trainings for law enforcement officials, including judges, prosecutors, police, and military police to make them fully understand the substances of provisions of each Article. At the same time, the Ministry of Justice has widely disseminated the provisions of this Code to the public such as organising workshops and producing video spots for broadcasting on television channels, etc.

10. **Recommendations No. 15 and 18–22 (Freedom of Expression related to Provisions of the Criminal Code):** The Criminal Code of the Kingdom of Cambodia does not contain any provisions that obstruct freedom of expression. Article 305 of the Criminal Code is consistent with the principle of Article 41 of the Constitution of the Kingdom of Cambodia, which affirms that, "*[...] No one can exercise this right (freedom of expression, freedom of press, freedom of publication, freedom of assembly) to violate the dignity of others.*"

11. Article 305 of the Criminal Code stated public defamation, which means that, "*Any exaggerated claim or gross negligence of any act that affects the honour or reputation of the individual or institution is defamation.*" This provision is not a barrier to freedom of expression, but it is to protect human dignity in line with human rights principles.

12. **Recommendations No. 24 and 88**: Three core laws related to judiciary, including the Law on the Organisation of the Court, Law on the Status of Judges and Prosecutors, and the Law on the Organisation and Functioning of the Supreme Council of the Magistracy were promulgated on 16 July 2014. These three laws have been pushing for implementation to ensure the strengthening of judicial independence through the organisation of judicial

system, by launching court administration units at all levels through the strengthening of discipline and ethics of judges and prosecutors in order to ensure justice services by strengthening the mandate of the Supreme Council of the Magistracy for monitoring the discipline of judges and prosecutors in performing their profession.

13. **Recommendations No. 80-87, 89 and 90 (Reform for the Protection of the Independent Judiciary):** The promulgation of the three laws as mentioned above in Paragraph 12 is a part of the RGC's effort to implement the programmemes of judicial and legal reform. These three laws are the foundation for strengthening independence of judiciary with the following qualifications:

- The Law on the Organisation of the Court has created institutional strength, which enables the court to operate smoothly and independently and to ensure the provision of justice services to the public;
- Laws on Status of Judges and Prosecutors spiritually strengthen judges and prosecutors to perform the judiciary hierarchy and to ensure the process of case resolutions with high responsibilities; and
- Law on Organisation and Functioning of the Supreme Council of the Magistracy has established a high institution of judicial authority under the presidency of the Majesty of the King to guarantee independence of judiciary through the appointment, supervision and punishment of judges and prosecutors who committed offences against professional ethics.

14. **Recommendation No. 91 (Promotion of the Rule of Law)**: The RGC has been striving to further strengthen and enhance the rule of law in leading the country as follows:

(a) The Constitution is the supreme law that sets fundamental principles, including the respect for human rights, establishment of legislation, organisation of state institutions, and division of state power;

(b) The Conflict Resolution Mechanism which the Kingdom of Cambodia has organised, including administrative resolution mechanism, legislative resolution mechanism, and judicial resolution mechanisms and extra judicial resolution mechanism;

(c) The judicial independence is guaranteed by the Constitution as follows:

- Article 128: Judicial power is an independent power;
- Article 129: Only judges are vested with the judicial functions;
- Article 130: No organs of legislative or executive power can exercise any judicial power; and
- Article 131: Only the prosecution has the rights to take public action;

(d) Law implementation is defined as a specific principle in Article 31 of the Constitution that, "*Citizens are equal before the law.*" So far, the Kingdom of Cambodia has 503 laws for implementation.

15. **Recommendation No. 92**: Judicial system of the Kingdom of Cambodia has set up an investigating jurisdiction which is a part of judicial body at all court levels of the trial with the power to investigate all cases, including human rights violations. The investigating jurisdiction has judges as actors in the investigating process under independence of the court. Article 127 of the Criminal Procedure Code states that, "*The investigating judge is in charge of all investigations which he/she considers useful for demonstrating the truth in accordance with the law. The investigating judge has the duty to investigate both in-exculpatory and exculpatory evidences.*"

16. **Recommendation No. 93 (Juvenile Justice System)**: In addition to the Code of the Criminal Procedure and the Criminal Code which set out some basic principles related to juvenile justice, the Law on Juvenile Justice was promulgated by Royal Kram No. NS/RKM/0716/009 issued on 14 July 2016. This law has stipulated the criminal procedure process for minor perpetrators by using diverting measures of minors from court procedures based on rehabilitation foundation by establishing rehabilitation centres to separate minors from adults.

17. **Recommendation No. 94 (Women Justice Services)**: The RGC has paid close attention to justice services for women, by taking various measures such as giving mandate to the Ministry of Women's Affairs (MoWA) to establish the Department of Legal Protection for Women; granting access to 94 MoWA's officials whose mandate involve with judicial police officers to solve violent cases on women; and providing separate budget of 200 million Riels per annum and increasing to 500 million Riels in 2018 for spending on legal services for women.

18. **Recommendation No. 95 (Accessibility to the Poor for Utilising Justice System)**: Providing the poor to have access to justice services, which is a part of the RGC's poverty reduction programme that the Ministry of Justice has been taking actions as follows:

(a) To establish and strengthen Districts/Khans/Cities Justice Centres, which currently have 66 justice centres for the poor to access justice services so as to facilitate conflict resolutions and to provide legal consultative services for free of charge;

(b) To provide lawyers to defend the poor without charging, through collabouration with the Bar Association, by establishing a lawyer office at all courtrooms – which the RGC provides 900 million Riels per annum to assist the process of defending cases for the poor. Meanwhile, the RGC has approved and provided USD 70,000 including the budget from the Bar Association of the Kingdom of Cambodia in total of USD 140,000 for the construction project of lawyer rooms in order to provide counselling to the accused or convicted persons in prisons throughout the country. Currently, this project has started in seven provinces including Takeo, Kampot, Svay Rieng, Battambang, Banteay Meanchey, Kampong Speu and Kampong Chhnang;

(c) To comply with the principles of the Law on the Organisation and Functioning of the Court and Prosecutors to establish a regional appeal court in order to bring the high court closer to the people, especially to facilitate the poor to have access to justice services with the high court, which the RGC has recently provided fund to build an appeal court in Tbong Khmum Province and another one in Battambong Province.

19. **Recommendation No. 96 (Strengthening the Law Enforcement Authorities)**: The RGC has paid close attention to strengthen law enforcement authorities in both capacity and professional ethics, namely:

- The Royal Academy for Judicial Profession has been training judges and prosecutors every year and conducting further trainings on technical skills, professional ethics as well as international human rights laws; and
- The National Police Academy has trained national police, especially judicial police who are in charge of law enforcement to have skills, technical operations and ethics in order to seek for offenses and to arrest perpetrators.

D. The Extraordinary Chambers in the Courts of Cambodia (ECCC) (Recommendations No. 97–99):

20. The RGC has made significant efforts to ensure a smooth implementation and successful completion of the ECCC's process, particularly to seek for supporting fund for the ECCC as follows:

- The RGC continues cooperating with international communities to seek for assistances, which in 2017 it received from the European Union with the total of EUR 10 million in supporting of the ECCC's proceedings from 2017 to 2019 – in which EUR 1 million was for NGO's genocide education programmes. In 2018, the governments of Germany and India also provided budget of USD 80,000 and USD 50,000, respectively in addition to the national budget of the ECCC; and
- Meanwhile, the RGC has also contributed budget and materials to support the ECCC's operation that amounted to USD 46 million – which ranked the second after Japan. Every year, the RGC supports 100% for the ECCC's general operating costs and provides salary for all staff at least 6 months.

21. The RGC has supported activities of the ECCC by considering these activities are an international standard in the direction of judicial reform programme in Cambodia. Starting from this, the reform programme has collected good practices and has compiled a document on the Court's qualifications. The Ministry of Justice has cooperated with the Office of High Commissioner for Human Rights of the United Nations in Cambodia (OHCHR-Cambodia), organised a consultation on the acceptance of features of the ECCC's process. Obviously, since 2014, the Ministry of Justice has imposed the Court to use the formula of pretrial detention warrant, which follows the model of the ECCC's. Meanwhile, some of the ECCC's achievements which are not judicial processes are highly valued and taken as role models, namely: (1) the legacy of the ECCC is considered as the most important factor of the ECCC that should be preserved and reserved for the next generations including remembrance, non-recurrence genocide, education, as well as capacity building and the strengthening of institutions in judicial sector; (2) the ECCC has also become a model court that some countries have taken as a model for establishing a similar court to prosecute genocide crime, some countries are in the phase of considering, and other countries have gradually developed their courts (Bangladesh, Sri Lanka, Kenya, Senekal and Central Africa, etc.); and (3) the concept on administration court that followed the ECCC's model was created and incorporated into the three laws of judicial system and has been implementing in the national judicial system. Today, all national court levels have a permanent unit called "court administration" in order to ensure the effectiveness of public justice services for everyone.

E. The establishment of law on access to information (Recommendation No. 17)

22. The RGC has officially permitted to establish the Law on Access to Information, which the Ministry of Information has led and collaborated with the Swedish Embassy and UNESCO in Cambodia through the establishment of a Joint Technical Working Group, including state institutions, UN agencies in Cambodia, and CSOs to draft the Law on Access to Information. Currently, the draft law has been finalised at the technical working group level, and it has proceeded to ensure legality and completeness in compliance with the international standards and the economic and social situations of the Kingdom of Cambodia.

F. Electoral reform (Recommendations No. 23 and 117–123)

23. The national election in 2013 has provided experience that required a large electoral system reform to ensure mechanisms on the implementation of democracy for full, fair, and better subsequent elections – starting from the amendments of Constitution and laws related to the election.

- The Law on the Organisation and Functioning of the National Election Committee (NEC) required reform of the NEC, such as to set for a composition of various political parties that have seats in the National Assembly; to determine the roles of the NEC in exercising its competence impartially; and to uphold the basis of respect for the law without any pressure, threat, intimidation, or order directly or indirectly from any individual or institution.
- These experience also required amendment of the Law on the National Election to select parliamentarians, which needed reform of electoral registration system by using computer system to record the voter data in order to ensure completeness, accuracy and update. At the same time, the law also requires a set-up of a coordinating committee to facilitate training programmes to voters and dissemination of registered political parties' policies through equitable programmes of state media.

G. The promotion and protection of the rights of persons with disabilities (Recommendations No. 25 and 169–171)

24. The Law on the Protection and Promotion of the Rights of Persons with Disabilities was promulgated by the Royal Kram No. NS/RKM/0709/010 dated 3 July 2009. This law aims at: (1) protecting the rights and freedoms of persons with disabilities; (2) protecting the interests of persons with disabilities; (3) preventing, reducing and eliminating the discrimination against persons with disabilities; and (4) rehabilitating their fitness, intellect, and profession to ensure the full and equal participation of persons with disabilities in social activities.

25. The RGC has set up a National Strategic Plan on Disability (2014-2018) with the goals of: (1) improving the living conditions of persons with disabilities and their families and respecting for the dignity from the birth and independent living with full welfare; and (2) promoting equality before the law, receiving legal services – being free from torture, abuse, exploitation, violence and emergency resolution – as well as promoting equality of women, children, and all kinds of persons with disabilities. 2,576 persons with disabilities have been employed in public ministries/institutions with a rate of nearly 2%, while 2,124 persons with disabilities have been employed in private sectors with the percentage of 5.53%. In addition, 3,133 persons with disabilities in communities have been recognised as the poor to receive state policy scheme. And 205 persons with disabilities have received vocational trainings from non-governmental organisations.

26. Along with the aforementioned attention, the RGC has also supported the participation of persons with disabilities, as the Disability Action Council has organised every year, such as: (1) handicap marathons for people with disabilities; (2) Autism and Down Syndrome days of people with disabilities; (3) national and international days of the dumb and deaf people; and (4) national and international days of persons with disabilities on 3 December annually that are participated by 2,000 to 3,000 of persons with disabilities. Under the support of the Republic of Korea, the Kingdom of Cambodia has led persons with intellectual disabilities to participate in the Special Olympic Competition in Korea annually, and sent youths with disabilities who won the Global IT Challenge to study for a week, and compete annually in Asia such as Korea, China, Indonesia and Vietnam. In 2016, the Fund for Persons with Disabilities provided physical rehabilitation services to 30,249 persons and cooperated with governmental and non-governmental organisations to provide working and medical rehabilitations to 27,254 persons; and provided treatment services to 2,112 persons in the communities.

H. Child protection (Recommendations No. 25 and 67–72)

27. The Kingdom of Cambodia has laws that guarantee the protection of children from degrading treatments, forced labour, sexual exploitation and sexual abuse, namely:

- The Criminal Code stated some degrading treatments on children as an offence such as Penalty for Abandonment of Minors (Article 321), Incitement to Abandon a Child (Article 330), Depriving Minor under the Age of 15 Years of Food or Care (Article 337), Subjecting Minor to Working Conditions Harmful to His/Her Health (Article 339), Indecent Assault of Minor under 15 Years of Age (Article 341), Inciting Minor to Consume Narcotics (Article 343), Inciting Minor to Beg (Article 344), Inciting Minor to Commit Felony or Misdemeanor (Article 345), and Sexual Assault of Minors by Ascendant (Article 351);
- The Law on Suppression of Human Trafficking and Sexual Exploitation has stipulated to protect children from sexual exploitation and sexual abuse such as Procurement of Child Prostitution (Article 28), Purchase of Child Prostitution (Article 34), Soliciting of Child Prostitution (Article 35), Pornography and Pornographic Material of the Child (Article 41), Sexual Intercourse with a Minor under 15 Years (Article 42), and Indecent Acts against a Minor under 15 years (Article 43);
- The Labour Law prohibits the use of child in heavy labour; and

- Juvenile Justice Law has stated procedures to protect the child against the law in compliance with the International Convention on the Rights of the Child.

28. The RGC has formulated a campaign against child labour and has launched a national action plan on reducing child labour and eliminating the worst forms of child labour (2016–2025). Through this action plan, inspection mechanisms have been reformed and the National Committee against Child Labour has been established to monitor and inspect women's and children's work at factories. As a result, the number of child labour cases have been reduced steadily; for instance, there were 34 cases in 2014, 13 cases in 2015, 16 cases in 2016, and only 2 cases in 2017. Additionally, over the last few years, 28,500 children have been timely prevented and reintegrated into society through providing training skills services and jobs creation.

I. Child birth registration (Recommendation No. 59)

29. In the Kingdom of Cambodia, childbirth registration and gaining of Khmer nationality have legal norms defining clear procedures that have been implemented without any discrimination. Particularly, the gaining of Khmer nationality has to comply with the conditions set out in the laws.

J. Street children and rehabilitation centres (Recommendations No. 66 and 73–74)

30. For paying attention on and helping street children and orphans, the RGC has paid close attention to street children and orphans, including children and youths in the centres receiving accommodation services. There are currently 636 childcare facilities with 26,187 children and youths (12,526 females), in which there are 406 childcare centres with 16,579 children (22 governmental centres have children and youths in total of 1,393). The 25 temporary shelters have 628 children, 71 group staying shelters have 1,592 children; besides, 7,388 children have been living in dorms, pagodas and religious places around 137 places.

31. The Ministry of Social Affairs, Veterans and Youth Rehabilitation has checked and announced the closure and diversion of 56 childcare centres that violated children's rights and did not comply with the minimum standard of alternative care, 549 children who were reintegrated into the families and communities and 87 orphans have been diverted from the orphanages to receive care services in the communities.

K. The establishment of the National Human Rights Institution (Recommendations No. 28–38)

32. The RGC agreed in principle, to establish a national human rights institution through drafting the Law on the Establishment of the National Human Rights Institution in accordance with the Paris Principles. So far, the Cambodian Human Rights Committee (CHRC) has cooperated with CSOs in the preparation of the draft Law on the Establishment of the National Human Rights Institution. The draft law was initiated by CSOs working group and was subjected to several discussions with the CHRC. However, the draft law has not been finalised. The CHRC will continue to work on the draft law with related stakeholders, especially with the OHCHR-Cambodia in order to make this draft law comply with the Paris Principles.

L. International cooperation in human rights field (Recommendations No. 39–41 and 44–48)

33. The Kingdom of Cambodia has been a UN member since 1955 and actively participated in the UN human rights mechanisms, namely:

- Since 1993, the Kingdom of Cambodia has authorised the OHCHR-Cambodia based in Cambodia;
- Allow the visits of UN human rights mechanisms, such as the Special Rapporteur for Human Rights, the Special Rapporteur for Women's Rights and the Subcommittee against Torture to Cambodia;
- Allow various international organisations to base in Cambodia, such as the EU, OHCHR, UNDP, WHO, UNICEF, WFP, UNFPA, FAO, UNESCO, UNODC, UNWOMEN, UNAIDS, etc.; and
- The Royal Government will extend the MoU with the OHCHR-Cambodia for subsequent mandates.

M. Education and training on human rights (Recommendations No. 27 and 42)

34. To promote and protect human rights, the RGC established the Cambodian Human Rights Committee (CHRC) as an institution to provide education and trainings on international human rights laws at all levels, including civil servants and armed forces. Moreover, the CHRC has actively performed its roles as follows:

- In 2017, the CHRC has monitored human rights situation in 22 out of 27 prisons throughout the country. By July 2018, the CHRC working groups have monitored 14 prisons and some correctional centres;
- The CHRC has collaborated with relevant ministries, departments, local authorities and other parties in organising seminars on human rights in various provinces throughout the country in order to mainstream and disseminate human rights laws to participants such as law enforcement officials, local authorities, university students, workers, citizen, and indigenous people. Furthermore, the CHRC working groups also disseminated **human rights and laws** to students at high schools and pedagogic centres. From 2017 to July 2018, 5,088 students (3,037 females) were trained and disseminated[5]; and
- The CHRC working groups will expand their scope of target groups for disseminating human rights and laws to people in communities across the country.

N. Gender equality, discrimination and violence against women (Recommendations No. 49–56 and 62–65)

35. The RGC has made significant efforts to eliminate discrimination against women and to promote gender equality and equity in Cambodia through the development and the implementation of legal frameworks, policies, action plans and programmes to address and respond to discrimination, violence against women and girls; and to promote equality between men and women in the society. The Criminal Code which was adopted on 30 November 2009 stated that the conviction of those who committed discrimination, regardless they committed directly or indirectly, shall be punished by the Code (Articles 265–273).

36. The Ministry of Women's Affairs in collaboration with the Ministry of Labour and Vocational Training, in consultation with NGOs, issued a statement on "working condition, hygiene provision and work security at enterprises, institutions and entertainment services" and set up a model policy on working places without sexual harassment to manage employees and workers in textile field, hospitality industries and entertainment services; and created the training documents for managers and employers. The learning documents have been carried out by 130 garment factories in Phnom Penh. And approximately 60,000 garment factory workers, and 130,000 females in hospitality industries workers were trained on safety at work. In addition, those training documents have been used to train those who work in entertainment service places, so that they can learn about the prevention of sexual abuse and violence against women at work.

37. The Ministry of Women's Affairs has collaborated with relevant ministries and institutions, development partners, non-governmental organisations, mass media and private sectors working closely with law enforcement officers, such as police, gendarmerie and officials from relevant departments through participating in Good Man Campaign (2011–2015) to show good examples and positive attitudes towards unpaid work, to value and respect for all women and to take part in the abolition of violence against women and girls. The target group of the programme is men between the ages of 15 and 49. There are still some campaigns such as the 16-day white bow campaign to end violence against women and girls with the participation of men and boys.

38. The Ministry of Women's Affairs also has its working structures across 25 capital/provinces and every cities/districts/khans that have the mission in the name of the ministry in promoting women's rights and mainstreaming gender to sub-national levels under the framework of Neary Ratanak Plan. Meanwhile, the RGC has established national and sub-national mechanisms, including the Cambodia's National Council for Women, gender mainstreaming technical working groups of ministries/institutes. At the sub-national level, there are Departments of Women's Affairs, Women and Children's Affairs Consultative Committees in the capital/provinces, cities/districts/khans, and Committee for Women and Children's Affairs in communes/sangkats across the country. Currently, 29 ministries/institutions have developed and implemented the Strategic Plan for Gender Mainstreaming. Meanwhile, 28 ministries/institutions have received national budgets and partners' budgets for implementing, based on field, and gender mainstreaming strategy. Female civil servants increased to 41% in 2017. There are 15 CSOs as members of the Gender Technical Working Group in which there are main network: (1) the NGO Committee on the Elimination of All Forms of Discrimination against Women (NGOs-CEDAW); (2) ender and Development for Cambodia Network (GADC Net); and (3) the Committee to Promote Women in Politics (CPWP).

39. Land policy titled "White Paper on Land" 2015 stipulated about the ensuring of gender equality and equity between women and men in the land registration process, including increasing women's participation in decision making, keeping track on the policy, plans and initiatives implementations on land sector. Strengthening the procedures of land registration is based on guaranteeing the property rights of real property owners between the couple's assets, individual assets of the husband or wife, and the collective assets of the indigenous communities. Based on Land Titles Database in 2017, among 316,565[6] land titles, women received 20.44% and widows received 3.29%.

O. Improvement of prison conditions (Recommendation No. 60)

40. Today, in the Kingdom of Cambodia, there are totally 28 prisons that the RGC has been paying close attention on improving all conditions, both infrastructure and living conditions of detainees. By July 2018, there were 30,444 detainees, 2,616 and 1,551 among whom are women and minors, respectively. 5 prison buildings (2011–2016) were re-built in which one prison was sponsored by the government of Australia. Moreover, the project for repairing 7 prisons in Kompot, Kompong Thom, Bailin, Udor Meanchey, Bonteay Meanchey and Ratana Kiri provinces and a project to build a new prison in Kompong Cham Province are proposed.[7]

41. Nowadays, each detainee is allowed to get outside the cell and do exercise for at least 30 minutes per day by not including the duration of participating in any other activities. The Ministry of Interior has collaborated with some partner organisations/associations which have tendencies to serve mental health services, such as Transcultural Psychosocial Organisation (TPO) to provide consultations on mental education and life skills to detainees, and collaborated with Sipar Cambodia Organisation to establish libraries in prisons across the country for detainees so as to borrow and read books.

42. The strategic plan of the Ministry of Interior allows convicts who have changed their bad behaviours to join working activities in agricultural programme and crafts in prisons and trains professional skills for making their living after releasing from the prisons and

integrating into the society. Prisons have been implementing in line with international standards in managing the prisons in Cambodia by respecting the human rights principles through upholding the implementation of the "UN Minimum Rules" to ensure the management of detainees with humanity, security, dignity and enhancing the effectiveness of rehabilitation towards urging detainees' possibility avoiding recommitting offenses and becoming a good citizen after the integration into the society. In addition to the UN Minimum Rules, the General Department of Prison has been studying and checking possibilities to insert the "Bangkok Rules or the Rules of the UN for the Treaty on Women Prisoners", which was adopted by the UN Council in 2011 applied to the national re-correctional programme in line with the law on prison and the policy of the RGC on the protection and promotion of women's and children's rights (child accompanied a detainee mother).

P. Combating against trafficking in persons (Recommendations No. 75-78)

43. The RGC has strongly made efforts to combat trafficking in persons, especially women and children via measures and means such as:

- Since 2004, the RGC has actively joined the cooperation with the Greater Mekong Sub-Region countries, including China, Lao PDR, Myanmar, Thailand, and Vietnam to prepare strategic plans and action plans against trafficking in persons in the region;
- In 2008, Law on Suppression of Trafficking in Persons and Sexual Exploitation, which was in compliance with the UN's Optional Protocol, was adopted;
- The establishment of the National Committee for Counter Trafficking in Persons (NCCT), which has a Deputy Prime Minister, Minster of the Ministry of Interior as the president, leads the work on combating against trafficking in persons by laying out subsequent strategic plans; and
- The establishment of special units in charge of combating trafficking in persons in the national police and military police institutions.

44. In 2017, the competent authorities have suppressed cases related to trafficking in persons as follows:[8]

Taking Actions of Law Enforcement Officials				*Taking Actions of the Courts*		
				Imprisonment Punishment		
Kind of Crimes	*Number of Cases*	*Number of Perpetrators*	*Number of Victims*	*Number of Cases*	*Sent to Detention*	*Issued Arrest Warrant*
Trafficking in Persons	48	72	129	58	129	45
Sexual Exploitation	111	131	216			
Total	159	203	345	58	129	45

Q. Freedom of expression (Recommendations No. 101–116)

45. In the Kingdom of Cambodia, freedom of expression is protected and promoted by laws. Article 41 of the Constitution has promoted citizens to exercise freedom of expression in a framework that not injure reputations of other people, good customs of the society, public order and national security. The Law on Press of Cambodia has provided on freedom of writing and publication not to injure reputations and dignity of others. The criminal code has stated that any allegation or charge made in bad faith via wording or written documents or pictures of any type displayed or released to the public, which tends to injure the honor or reputation of a person or an institution shall be punishable by Article 305 of the Code.

46. The regulations in the criminal code do not mean to restrict freedom of expression, but in order to protect the honor and reputation of persons and institutions – which are consistent with Paragraph 3, Article 19 of the International Covenant on Civil and Political Rights, which stated that, "*The exercise of the right provided for in Paragraph 2 of this Article (Freedom of Expression) carries with it special duties and responsibilities. So, the exercising of the right is subject to certain restriction as are provided by law and necessary for: a. respect of the rights and reputations of others; and b. the protection of national security or of public order, or of public health or morals.*"

47. In the Kingdom of Cambodia, journalists, human rights defenders, and civil society actors as well as other individuals are equal before the law, protected by the law, and responsible before the law altogether. Freedom of expression or freedom of expression in profession are not offences, but using freedom of speech or freedom of expression in profession as a way to commit any acts prohibited by the law is an offence, such as taking public forum to exaggerate, alleging other people, or using freedom of expression in profession as a shield to hide any crimes.

48. In the past, there were journalists, human rights defenders and a few civil society actors were prosecuted with criminal offences because the court found out that they had used their professions as mediums to commit crimes as aforementioned in Paragraph 47, which goes against the criminal code. These legal actions are not an intimidation or discouragement to journalists, human rights defenders, or civil society actors in performing their professions; however, these actions are measures to maintain security and public order through law implementation as other democratic countries exercised as well.

49. In the Kingdom of Cambodia nowadays, citizens have full freedom in using digital media, including social media such as Facebook. To ensure public and individual interests, the RGC has drafted the law on cybercrime. The Ministry of Interior has cooperated with the representatives from the Ministry of Justice of the USA, which has been reviewing to enhance the draft law and to make the law in compliance with the requirements of Article 19, Paragraph 3 and Article 22 of the International Covenant on Civil and Political Rights. The purpose of the draft law is to determine preventive measures, prevent and suppress any crimes on the communicative technology and information.

H. Labour sector (Recommendations No. 124–127)

50. The RGC has strongly paid attention on finding and providing work for the citizens to have their jobs, both in and outside the country, by issuing a policy on migrant work which focuses on rights protection and interests of the citizens who work overseas.

51. To promote and protect human rights and interests of migrant workers, the RGC has signed memorandums of understandings (MoU) and agreements with some countries as follows:"

- The MoU with the Republic of Korea on sending workers to the Republic of Korea under the system of occupation favor (27 April 2015);
- The MoU with Malaysia on the recruitment and using of Cambodian workers (10 December 2015);
- The agreement with the Kingdom of Saudi Arabia on the recruitment of domestic workers and workers for general work (11 February 2016);
- The MoU with the Democratic Republic of Timor Leste on the cooperation on labour sector (19 August 2016);
- The MoU with the Republic of the Philippines on the cooperation in labour sector (14 December 2016);
- The MoU with the Kingdom of Thailand on the cooperation in labour sector and the agreement on using of labour forces (19 December 2016);
- The MoU with the Socialist Republic of Vietnam on the cooperation in labour sector (22 March 2017); and

- The MoU with the human resource development association based in Hong Kong to cooperatively provide supportive services to the Cambodian citizens who are working legally in Hong Kong, especially women assisting household chores (24 April 2017).

S. Poverty reduction (Recommendations No. 128, 136, and 138–146)

52. The Kingdom of Cambodia has maintained its economic growth at around 7% per annum over the past two decades. The gross domestic product for a person increased from USD 1,045 in 2013 to USD 1,435 in 2017, and will be achievable to USD 1,568 in 2018. The poverty rate has reduced from 53.2% in 2004 to 13.5% in 2014.[10] In addition, the RGC has lifted taxes on mark records, transferring ownerships among relatives, transportations such as motorcycles and motor-tricycles with power under 150 CC, reduced prices of clean water and electricity, and provided support to poor citizens for linking clean water system. Meanwhile, the RGC also cuts down a majority of economic land concession to provide to people as social land concession. To enhance quality and transparency of public services, the RGC has set a specific fee and has made it free of charge on some services, which is in line with the objectives and duration of services; has cancelled taxes on goods and other payments for micro businesses of citizens in all markets/business places across the country; and allowed traders who have stalls, stores, booths, or selling places as state's properties to gain the rights to occupy and benefits, and possible to transfer to their children, relatives or others.

53. The Ministry of Rural Development has been strengthening and expanding good cooperation with development partners, non-governmental organisations and private agencies for effective implementation of rural development programmes and poverty reduction. 10 development partners have been providing aids on 13 projects; 44 non-governmental organisations are signing agreements to cooperate on multifarious rural development projects. The Ministry of Rural Development has been continuing responding to the Millennium Development Goals (MGDs) by increasing services of clean water supply at rural areas up to 52.4% – which exceeded the MDGs and which was determined only by 50% (CSES 2015) – and the rate of people at rural areas who have received the enhancement of sanitation has increased up to 53.7% – which exceeded the MDGs and which was determined only by 30% (CSES 2015).[11]

54. The RGC has strived to make small and medium enterprises, rice sector, and other sub-sectors gaining sufficient financial support to strengthen and expand their businesses, and especially provide loan to rice-buying centres and rice dryers, and has made market interventions on rice buying mechanisms, and has also actively participated in the prevention of unreasonable falling of rice's price in each season. Meanwhile, the RGC has continued to urge various sectoral developments such as industry, agriculture, commerce, finance, tourism, land, construction, infrastructure, etc. These are made in order to take part in increasing productivities and value added, mobilising resources and finance for development, diversifying economic base and ensuring micro-economic stability.

55. The aforementioned factors have made Cambodia possible to graduate from its status as a low-income country to a lower-middle income country, and Cambodia is obviously moving toward a higher-middle income country in 2030. Today, Cambodia is recognised as a fast-growing country in industrial, factory, agricultural, service, tourism and real estate sectors, which strongly contributes to poverty reduction of its people.

T. Land reform (Recommendations No. 129–135)

56. In the Kingdom of Cambodia, there is no enforced revocation or expulsion of citizens from where they are living and where they are legally occupying. What the RGC has done in the past was a provision as a policy or an exchange of the land to citizens who came into and illegally occupied the state's land, and in the case that the state was in need of developing those places. Every exchange of citizen residence is implemented in accordance with the existing procedures, which the RGC has issued some standards and

measures to ensure the exchange of citizen residences with safety, such as the Circular Number 2 on illegal occupations of state land and Circular Number 3 on temporary settlement on state land that is illegally occupied and providing of social land concessions.

57. The RGC has highly paid attention to land reform subsequently in order to hand a full ownership to the citizens in order to enable them to develop, to ensure food security in the country and for exportation. Starting from this, the RGC has set out a National Strategic Development Plan (2014-2018) and the Ministry of Land Management, Urban Planning and Construction has implemented and achieved the results as follows:

- Land registrations by the end of the first semester of 2018 there were 4,777,711 certificates, which is equivalent to 68.25% on the total plan of 7 million plots, handed to the people, in which land of indigenous people communities had 24 communities, which equal to 684 certificates; and
- Established a master plan for utilisation of the land in Phnom Penh, plan for designing the land of Battambong and Phreah Sihanouk Ville Provinces, a master plan for utilisation of the land of 6 cities (Battambong, Tboungkhmum, Takhmao, Kompot, Kep and Siem Reap cities), and a plan for utilisation of the land in 78 communes/sangkats.[12]

58. To ensure transparent and effective distribution of land to the people, the RGC has created four levels of social land concession mechanisms: (1) the National Social Land Concession Committee, (2) the Provincial/Capital Land Utilisation and Distribution Committee, (3) City/District/Khan Working Groups, and (4) the Commune /Sangkat Councils.

59. Through the above four mechanisms, the implementation of providing social land concession by June 2017 has been achieved, such as (1) distribution of social land concession to former armed forces and their families had 6,608 plots – which equals to 3,304 families, total area is 4,545.88 hectares in 11 targeted provinces; (2) distribution of social land concession to military families and police along the borders in Preah Vihea, Udor Meanchey and Svay Rieng Provinces had 6,272 plots – which equals to 3,136 families, total area is 12,275 hectares; (3) distribution of social land concession to general poor people had 10,794 plots – which equals to 5,397 families, total area is 105,390.74 hectares in 5 targeted provinces; (4) building shelters for former armed forces and their families accounted for 1,680 homes; and (5) building shelters for military families and police along the borders in Preah Vihea, Steung Treng and Svay Rieng Provinces amounted to 5,019 homes, and in 2018 accounted for additional 537 homes.[13]

(Land settlement mechanisms will be explained more in details in the 2019 report on the economic, social and cultural rights, whereas mechanisms for land issue settlement of indigenous people was already clarified in the 2017 report on the elimination of all forms of racial discrimination).

U. Health sector (Recommendations No. 147–160)

60. According to the National Health Strategic Plan 2008-2015 and in order to achieve the Cambodia's MDGs and development of health sector, the RGC has continued to increase national budget allocation subsequently to health sector, obviously the budget allocation in 2017 was 1,201,854.6 million Riels – which increased 8.2% compared to 2016.[14]

61. To ensure that its people receive appropriate healthcare services, the RGC has put efforts to expand service mechanisms across the country, namely, in 2017 the number of healthcare centres has increased from 96 centres in 2008 to 1,190 centres; the total number of hospitals (national, provincial and referral hospitals) has increased from 84 in 2008 to 117; the number of health posts are also increased every year according to the need and through the upgrading functions from the health posts to the healthcare centres. Civil servants serving in the public health sector have increased from 18,096 in 2008 to 25,459. The deployment of midwives along healthcare centres has notably increased to 79 health centres – which there was no midwife in 2008 – and there is now at least one midwife in a

healthcare centre since 2009 onward. The number of healthcare staffs serving at provincial level in total are 18,389, or equal to 72,45% of the total number of the healthcare staffs across the country.[15] In 2016, there were 153 emergency maternity services and comprehensive infants caring, in which the emergency maternity services and comprehensive infants caring had 120 places, and the basic levels had 33 places across the country.

62. To ensure poverty reduction and promote equity healthcare services, the RGC has been implementing some mechanisms, such as (1) payment exemption policy has been implemented in all public health facilities across the country to promote the utilisation to prioritise services for the public (such as research and treatment of tuberculosis and HIV/AIDS, providing preventive medicines and micronutrients), and the utilisation of healthcare services for poor people, people who are not able to pay, persons with disabilities and helpless elderlies; (2) subsidiary projects being implemented at the national-level hospitals by using entire national budget, the state pays instead of poor people, and people who are unable to pay and come to stay for treatments at the national-level hospitals in the Phnom Penh; (3) equity funding programmes which provide healthcare services at public health facilities to poor people holding equity cards issued by the Ministry of Planning by having prior identification of the poor, or people who have priority cards and who have been identified as the poor/in need at the health facilities. This equity fund covers the cost of healthcare services at public health facilities, traveling cost for pregnant women coming to check or giving births, provides meals for one person to look after a patient in the hospital, and cost for sending patients, and so forth; (4) the reproductive healthcare project under the Cambodia-Germany bilateral cooperation is to promote the utilisation of reproductive healthcare service of the poor and healthcare services for vulnerable people. Healthcare services that will be paid by various projects, such as birth control, giving birth, safe abortion, keeping track of infant's growth, research on cervical cancers, and cataract surgeries; (5) community health insurance projects which are budgeted by the contribution from the project members and financial supported by develop partners and which are directly managed by non-governmental organisations and communities without profit; and (6) social security system which is a national social security fund has been signed as agreements with 783 public health facilities in 2017 to provide work risk allowances and healthcare allowances for workers/employees of the economy in systems, and also launching healthcare fund for civil servants, armed forces, retirees, and all types of commune councils and village officials.

63. Meanwhile, programmes against tuberculosis which are implemented follow methodology of the universal healthcare insurance by providing free tuberculosis treatment services for all, including services covering in hospitals (referral hospitals, healthcare centre and health posts in total of 1,300 places) and the provision of DOTS programmes in the communities, which currently exist in 861 healthcare centres. Tuberculosis services are freely provided to all, and for all kinds of tuberculosis, including patients with HIV/AIDS, diabetes, and drug resistant tuberculosis. Moreover, free tuberculosis treatment services are also provided for immigrants, including migrants and foreigners in Cambodia. The treatment services were also provided in 17 prisons in 2017.

64. In order to ensure that the citizens obtain full-fledge healthcare services with quality, safety and effectiveness in all public and private health facilities, the Ministry of Health has issued a Health Strategic Plan 2016-2020, which clearly sets the purposes of health development consistent to Goal 3 of the Sustainable Development Goals, which is "*to ensure the living of people with good health and promote the health of all people and all ages*", such as (1) expanding coverage and the utilisation of quality, safe, and effective healthcare services and information to the people, especially citizens and geographical areas that are difficult to receive the services; (2) strengthening the sending systems to help patients or victims to receive a set of healthcare services or comprehensive healthcare according to practical needs; (3) providing quality healthcare services in line with the national protocols, the clinic executive guides, and quality standards; (4) urging the behavioural change of service providers in communications with patients and customers and behaviour of people on healthcare; and (5) strengthening the implementation of approaches on services with quality, effectiveness and sustainability as well as increasing accountability on the results.

V. Education sector (Recommendations No. 162–168)

65. To archive the universal primary education in compliance with the Education Strategic Plan, the RGC has highly paid attention to strengthening the state and private schools at all levels, especially urging and strengthening the implementation of the principles stated in Article 68 of the Constitution of the Kingdom of Cambodia that, "*The state shall ensure for all citizens free primary and secondary education at public schools. Citizens shall receive schooling at least nine years.*"

66. Starting from the above perspectives has made the education sector in the Kingdom of Cambodia a remarkable progress as follows:[16]

(a) Small child education

		Number of students			
Sectors	*Number of Schools*	Under 3 Years old	3 Years Old	4 Years Old	5 Years Old	Total
Public	4,176	-	14,057 (5%)	58,096 (21.2%)	131,414 (48.6%)	203,567
Private	456	-	7,187 (2.2%)	13,728 (4.4%)	17,300 (5.4%)	38,215
Community	2,955	-	16,887 (5.4%)	25,758 (8.4%)	22,777 (7.6%)	65,422
Home	2,836 (villages)	43,808 (4.1%)	29,140 (9.2%)	17,959 (5.9%)	20,467 (6.8%)	111,374
Total	10,423	43,808 (4.1%)	67,271	115,541	191,958	418,578

(b) Primary education

		Number of Students			*Accurate Rate of New Enrollments*	*Accurate Rate of Schooling*
Sectors	*Number of Schools*	*Boy*	*Girl*	*Total*		
Public	7,189	1,053,131	975,563 (48.1%)	2,028,694	90.3%	
Private	432	56,704	55,094 (49.3%)	111,798	4.9%	
Total	7,621	1,109,835	1,030,657	2,140,492	95.2%	97.8%

(c) Secondary education

		Number of Students			
	Number of	*Secondary Schools*		*High Schools*	
Sectors	*Schools*	*Total*	*Girls*	*Total*	*Girls*
Public	1,753	605,173	314,713	303,893	159,175
Private	188	25,928	12,492	18,107	8,744
Total	1,941	631,101	327,205	322,000	167,919

(d) Higher education

		Number of Students			
Sectors	*Number of Universities*	*Total*	*Females*	*Scholarships*	
Public	48		100,336	Total	Female
Private	73	207,434	(48.37%)	26,292	12,967

(e) Informal education

Sectors	*Classes/Places*	*Number of Enrollments*		*Number of Students Finished Schoolings*	
		Total	*Females*	*Total*	*Females*
Vocational Literacy	1,033	21,066	14,107	17,678	12,047
Community Learning Centres	586	9,016	6,075	8,002	5,365
Primary School Equivalent	289	5,275	2,667	2,516	1,353
Complementary Education	Secondary Schools	517	114	431	124
	High Schools	7,337	2,470	4,739	1,705

III. The challenges

67. The human resources development with quality, capacity and productivity to response to the needs of Cambodia socio-economic developments is the key factor for supporting the economic growth and country's competitions for today and the future. Even though Cambodia has achieved the coverage of the primary education, some challenges remain. The results of study were not entirely good; the continuation of education at high school level has not completed and this causes a difficulty and limitation in skill selection and the promotion of quality at the higher education; taking advantages from the development of technologies and the innovation in the existing industries are also limited.

68. Promoting diversification and productivity in agriculture still faces some challenges. Pace and scale wise of expanding the agriculture in the national economy has not fully responded to the poverty reduction need, reduction of payments for supporting daily living, and the creation of jobs for people. Moreover, the agriculture is also not yet able to take part in reducing income gaps among people as well as the gaps between urban and rural areas.

69. The provisions of public service in administrative and judicial sector are not yet good enough to respond to people need; the institutional building and legal frameworks do not met the needs of people yet; and the understanding of laws among the public is also limited and not effective yet. Likewise, organization and structural arrangement as well as the functions and resources transferred to the sub-national administration have not yet responded to the needs of democratic development requirement at the sub-national level.

70. The implementation of the competent authorities such as judges and prosecutors is generally based on national laws, both in the case proceeding and decision makings without considering the substances of the international human rights laws. Even though the Kingdom of Cambodia now has around 500 laws and most of them consist of the concepts of human rights in line with the Cambodian Constitution, international human rights covenants and conventions, to which Cambodia is a State party, the implementations of all those concerned parties still have some shortcomings, which require further improvements. Meanwhile, the provisions of some laws were not clearly determined and comprehensive and that requires more review, amendments or developing more new laws to respond to the real needs of society.

71. Since 1993, the RGC has provided extensive possibilities allowing national and international organizations including the OHCHR in Cambodia to disseminate and train on all aspects of human rights to all levels of authorities including the citizens. However, so far now the level of understanding on human rights is still limited among the citizens as well as others actors. The views on human rights, duties, responsibilities and laws are not consistent between rights demanders, rights users and rights defenders. For instance, the exercise of freedom of expression, in which the demanders, the users and the watchdogs of

the right have no consistent point of view, both in the scope of the domestic laws and the international human rights laws.

72. The quality of healthcare services still remains desired in spite remarkable improvement and achievements in public healthcare services. While the livelihood and living conditions of people have changed, health policies need to be comprehensively reviewed in the area of supply, service delivery, service quality, financing, and coverage to be more responsive to people needs.

IV. Royal Government's strategies

73. The RGC is still committed to promoting human rights to be consistent with the will that Cambodia has ratified and accessed 8 among 9 core international human rights instruments, and with contents of the article31 of the Cambodian Constitution. With this commitment, Cambodia has also been issuing some measures by setting up some basic principles stipulated in the rectangular strategy phase IV of the RGC of the sixth legislature of the national assembly.

74. The RGC Continues to reform legal and judicial systems by designing legal framework with sustainability to gain more trusts from the public, which includes capacity building, independence and impartiality of courts that are essential to strengthen rules of laws, segregation of powers, respect of individual rights, and justice for general population. RGC continues to develop new laws based on the requirement of national governance, which ensure human rights protection, democracy and rules of laws.

75. The RGC strengthens the implementations of the existing laws to be more effective by increasing the dissemination and training program to the law enforcement officials and disseminating and developing capacity on the international human rights laws through maintaining of peace, political stability, security and social order; improving living standards and people's welfare, and via the implementation of necessary measures towards the promotion and protection of fundamental rights and human dignity.

76. The RGC still continues cooperation with civil society organizations and the OHCHR in Cambodia to urge and accelerate the process of drafting the law on the establishment of the National Human Rights Institute based on the Paris principle.

77. The RGC commits to effectively implementing racial and immigration policies in order to preserve country's sovereignty, national interests, reputation and dignity of the country, and harmony in the society, which are based on the principle of democracy and human rights, strengthening rules of law, respect of laws and the international human rights instruments, and that will ensure equal rights before the laws, rights, freedoms and obligations of individual citizens living in the Kingdom of Cambodia.

78. The RGC Continues to take actions on anti-corruption by educating, preventing, strengthening accountability and strengthening institutional capacity building with the support and participation from the public, the participation from private sector and strengthening the law enforcement.

79. The RGC continues to find justice for Cambodians through its support and mobilizing fund for the ECCC that is processing, in order to trial senior leaders in the Democratic Kampuchea regime from 17 April 1975 to 6 January 1979.

80. The RGC continues the election reform by strengthening the officials' capacities, technical work, and modernization of information and data systems to make elections more convenient, transparent, fair, and just to earn trusts from Cambodian citizens and international communities.

81. The royal government continues to actively and deeply reform land management by focusing on the management, organization, utilization and distribution of land in order to achieve national goal for reducing poverty, food security, the protection of environment and natural resources, national defense and socio-economic development in accordance with free market principle. The RGC continues to solve land disputes more effectively and fairly based on existing laws and regulations by using both mechanisms inside and outside the

court system. For the long-term goal, the royal government will speed up the allocation of social land concession to people who are landless by using land stock withheld from inactive companies, and state's land remained from locations under directive no. 01 and land remained from mine clearance. The RGC continues to postpone economic land concession program or permanent rental of land in order to strengthen the management of such lands in accordance with laws, regulations and contracts.

82. Continues to promote the principle "education for all" by increasing opportunities of receiving equitable education services to all children and Cambodian youth at both formal and informal education systems. The RGC continues to promote secondary and higher education by implementing this principle together with national conscience, history education, peaceful culture education, respect of rights and human dignity, respect of freedom principle, democracy and social justice, non-violence, drug abuse and all forms of discrimination. The RGC continues to upgrade quality and efficiency of education services at all general, vocational and skill training schools for both public and private schools in order to ensure quality conforming with the international standard and the needs of country's development. Continues to develop institutions and capacity building of education officials by creating laws and other paperwork relevant to education sector, strengthen the working structure and provide training skill to education officials so as to maintain good governance at all levels.

83. The RGC continues to implement social affair policies and improve livelihood of people by upgrading the quality of the life. RGC continues to develop socio-economic status, create jobs, employment and income for people. RGC Continues to increase wage for civil servants and armed personnel in order for them to increase living conditions to be in line with economic growth and the availability of national budget. RGC Continues to increase minimum wage for workers and strengthen social safety system, which supports vulnerable groups. RGC strengthens gender equality by promoting roles and status of women in society, protect and promote child rights. RGC protects the rights of disables, creates social welfare for retirees. RGC promotes the roles of veterans and former good civil servants and develops youth on knowledge, know-how, health, physical and morale so that they will become the potential leaders of the country in the future.

84. The RGC continues to solve and promote people's welfare by introducing specific policies that support the development of health sector. RGC ensures the provision of health service, which is carried out with good quality, effectiveness, fairness and sustainability by prioritizing this service to rural and remote areas and to marginalized and vulnerable groups, especially women, children and elders in order to improve people's daily health situation and welfare. Poor people shall benefit from the public healthcare service.

85. The RGC continues to implement gender equality policy by mainstreaming gender in all sectors and programs. RGC continues to increase the efficiency of social services and justice for victims suffered from gender violence and continues to provide opportunities for female students to pursue their education until higher education at graduate and postgraduate programs along with the provisions of quality and effective health and foods. Continues to balance and strengthen women's capacity in public and private functions so that women can contribute to promote good governance at all levels. The royal government will take necessary measures especially the policy of village-commune security and implement 2nd national action plan for combating violence against women in order to reduce negative impact and improve non-violence culture, which will be part of social morale, women's values in Khmer family and instill community with dignity, family with happiness and society with harmony.

Notes

[1] Population Projection of Cambodian 2013-2023 of the Ministry of Planning.
[2] Report of Achievements 2017 and Future Direction 2018 of the Ministry of Interior.
[3] National Strategic Development Plan 2014-2018.
[4] Report of the Ministry of Economy and Finance.
[5] Annual Report 2017/18 of the Cambodian Human Rights Committee.

[6] The Ministry of Land Management, Urbanization and Construction's 1st quarter report of 2018.
[7] The Ministry of Land Management, Urban Planning and Construction's 1st quarter report of 2018.
[8] The 2017 Report on Combating Against Trafficking in Persons of the National Committee for Counter Trafficking in Persons.
[9] The 2017 Annual Report and Directions for Work in 2018 of the Ministry Labor and Vocational Training.
[10] The 2017 Report of the Ministry of Economy and Finance.
[11] The 2015 Cambodia Economic-Social Survey of the Ministry of Planning.
[12] The Ministry of Land Management, Urban Planning and Construction's 1st quarter report of 2018.
[13] The Ministry of Land Management, Urban Planning and Construction's 1st quarter report of 2018.
[14] The 2017 Report of Health Achievement and Directions for Work in 2018.
[15] The 2017 Report of Health Achievement and Directions for Work in 2018.
[16] The Education Congress 2016-2017 and Directions for 2017-2018.

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Compilation on Cambodia

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of information contained in reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. In 2015, the Human Rights Committee encouraged Cambodia to accede to the Optional Protocol to the International Covenant on Civil and Political Rights, on individual communications.[3]

3. The Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Cambodia accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.[4]

4. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that a recommendation was made during the previous cycle of the universal periodic review of Cambodia on the ratification of the Convention against Discrimination in Education. It stressed that such a ratification would provide Cambodia with a supportive legal environment for all efforts made towards achieving Goal 4 of the Sustainable Development Goals.[5]

III. National human rights framework[6]

5. The Committee on the Rights of the Child recommended that Cambodia amend its Criminal Code with provisions that explicitly criminalized the recruitment and use of children under the age of 18 years in the Royal Armed Forces, in non-State armed groups and private security services or companies, as well as a definition of direct participation in hostilities.[7]

6. The same Committee was concerned about the delay in establishing an independent national human rights institution in line with the principles relating to the status of national institutions for the promotion and protection of human rights, to regularly monitor progress in the fulfilment of children's rights under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict and to receive and address complaints from children.[8]

7. The Secretary-General noted that the legal and institutional framework in Cambodia had undergone some notable changes during the period under review. New laws coming into force contained provisions that could potentially restrict the freedoms of expression, association and assembly, particularly the Law on Associations and Non-Governmental Organizations, the long-awaited Trade Union Law and the Telecommunications Law.[9]

8. The Special Rapporteur on the situation of human rights in Cambodia recommended to repeal provisions of the Criminal Code that could be used to restrict the freedoms of expression, assembly and association in order to achieve greater compatibility with international human rights standards, decriminalizing offences such as defamation.[10]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[11]

9. The Human Rights Committee was concerned about reports of discriminatory and violent acts perpetrated against ethnic Vietnamese persons and recommended that Cambodia strengthen its efforts to combat racist attacks against such persons and consider developing a national action plan against racial discrimination.[12]

10. The Human Rights Committee was concerned that article 950 of the Civil Code provided that a woman should not remarry until 120 days had elapsed from the day of the dissolution or annulment of her previous marriage. It was also concerned about a directive issued by the Ministry of Foreign Affairs restricting the right to marriage between foreign men and Cambodian women on the basis of the men's age and income. It therefore recommended that Cambodia repeal provisions that discriminated on the basis of sex, age and income regarding marriage.[13]

11. The same Committee was also concerned about reports of discrimination against lesbian, gay, bisexual and transgender persons, in particular in employment and health-care settings. It noted with concern the lack of legislation expressly prohibiting discrimination on the grounds of sexual orientation or gender identity.[14]

2. Development, the environment, and business and human rights[15]

12. The United Nations country team stressed that Cambodia had experienced significant deforestation and forest degradation in recent years, the main causes of which included conversion to commercial agriculture, mining, economic and social land concessions, legal and illegal settlements and farmland, large-scale infrastructure and hydropower development, road construction, legal and illegal logging, fuelwood harvesting and forest fires.[16]

13. The Special Rapporteur on the situation of human rights in Cambodia highlighted issues with resettlement and compensation packages offered to persons and communities displaced by land concessions, including the adequacy of compensation and the appropriateness of relocation sites. She stressed that more needed to be done to ensure that compensation packages were fully understood by potential recipients and that all land disputes were resolved through a process free from threats, violence and intimidation.[17]

14. The United Nations country team indicated that business enterprises continued to have an important role in promoting the economic growth of Cambodia, which could affect the enjoyment of human rights, such as land and housing rights, rights in the workplace and gender equality, among other rights. That highlighted the Government's role to protect human rights.[18]

B. Civil and political rights

1. Right to life, liberty and security of person

15. The Human Rights Committee was concerned about reports of several deaths, many injuries and one enforced disappearance following repression by the security forces during various demonstrations in Phnom Penh. It recommended that Cambodia increase its efforts to systematically provide training to all security forces, including municipal security guards, on the use of force, especially in the context of demonstrations, taking due account of the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.[19]

16. The same Committee was also concerned about reports of torture and ill-treatment of detainees by law enforcement personnel, especially in the context of police custody and for the purpose of obtaining confessions. It recommended that Cambodia establish an independent complaints mechanism with the authority to investigate all reported allegations of and complaints about acts of torture and ill-treatment. It was recommended that Cambodia should ensure that the alleged perpetrators of those crimes were prosecuted and that the victims were adequately compensated. It stressed that Cambodia should take the steps necessary to ensure that confessions obtained under torture or ill-treatment were inadmissible in court in all cases, in accordance with its national legislation and article 14 of the Covenant.[20]

2. Administration of justice, including impunity, and the rule of law[21]

17. The Human Rights Committee was concerned about reports that no one had been held accountable for the extrajudicial killings, allegedly mainly perpetrated by the army, police and gendarmerie, in Cambodia since the 1991 Paris Peace Agreements. It recalled that Cambodia had an obligation to investigate all cases of past human rights violations, prosecute the perpetrators and, where appropriate, punish them and provide compensation to the families of the victims.[22]

18. The same Committee was also concerned about reports that high-ranking officials of Cambodia had repeatedly made statements that interfered with the functioning and independence of the Extraordinary Chambers in the Courts of Cambodia, and that the statements indicated the reluctance of Cambodia to prosecute additional suspects of crimes perpetrated during the Khmer Rouge regime. The Committee recommended that Cambodia should take steps to protect the full independence of the Extraordinary Chambers and cooperate with it in the fulfilment of its functions.[23]

19. The Secretary-General stated that a number of judicial actions taken against the opposition and civil society organizations reflected structural deficiencies in the law enforcement and judicial institutions that had long been highlighted by human rights mechanisms, including the independence of the judiciary, lack of procedural guarantees resulting in overreliance on pretrial detention, weak evidentiary bases for convictions, and impunity. A growing number of "Facebook cases" were being tracked in which postings on social media were being used as evidence of the commission of crimes.[24]

20. In view of the dramatic increase in prison overcrowding (due in part to the anti-drug campaign), the Special Rapporteur urged the Government to reconsider its plans to increase the use of non-custodial sentencing in those situations in which it was deemed appropriate. The Special Rapporteur also encouraged the Government to promote the use of the pretrial detention form to ensure appropriate reflection by judges on whether such detention was appropriate.[25]

3. Fundamental freedoms and the right to participate in public and political life[26]

21. The Human Rights Committee was concerned about reports of killings of journalists, human rights defenders and other civil society actors. It was also concerned about reports of harassment and intimidation of journalists, human rights defenders, trade union workers, land and environmental activists and other civil society actors, and members of the political opposition, who continued to be prosecuted for their activities, in particular through the criminalization of defamation and other vaguely formulated offences.[27]

22. UNESCO urged the Government to investigate the cases of murdered journalists, and to voluntarily report to it on the status of judicial follow-up.[28]

23. The Special Rapporteur noted with concern that, on 3 September 2017, Kem Sokha, leader of the Cambodia National Rescue Party, was arrested on grounds of seeking to overthrow the Government in a foreign-backed so-called colour revolution. Those were based on comments that he made in Australia in 2013 about his grass-roots political strategy to challenge the current Government. Despite the passage of time, as the comments were still available online, this was deemed in flagrante delicto, and in accordance with internal rules of procedure, the National Assembly allowed the case to proceed without the need to lift his parliamentary immunity. Mr. Kem Sokha was subsequently charged with conspiracy with a foreign power in "fomenting hostilities or acts of aggression against Cambodia". He remained in pretrial detention as of August 2018, with restricted visitors.[29] The Special Rapporteur was refused permission to meet with him in March 2018.[30]

24. The Special Rapporteur stated that Mr. Kem Sokha had been subsequently released under judicial supervision in September 2018 with conditions essentially amounting to house arrest. The charges against him remained.[31]

25. The Working Group on Arbitrary Detention concluded that Mr. Kem Sokha's deprivation of liberty was arbitrary as it resulted from the exercise of his rights to freedom of opinion and expression, and the right to take part in the government of his country and the conduct of public affairs. The Working Group was also of the view that Mr. Kem Sokha's arrest and detention was politically motivated. The source presented ample evidence, which was not contested by the Government, of the arrest, detention, prosecution and conviction of political opponents in what appeared to be an escalating trend in Cambodia of suppression of criticism of the Government ahead of the National Assembly election in July 2018. The Working Group noted that Mr. Kem Sokha's prosecution was taking place against a background of the dissolution of his party, the Cambodia National Rescue Party, and of amendments to laws that placed restrictions on political parties and allowed for their dissolution in a broader range of circumstances.[32]

26. The Special Rapporteur stated that national elections, until the 2018 elections, had been steadily improving in terms of compliance with international human rights standards and Cambodian laws. She noted with concern that the 2018 elections represented a departure from previous trends due to the dissolution of the former main opposition party and the banning of senior members of the former opposition from political activity for five years. She stressed that that called into question the genuineness of those elections, as stipulated in article 25 of the International Covenant on Civil and Political Rights. The redistribution of seats from the former opposition to other parties, particularly at the commune level, raised very serious concerns about respect for the right to take part in the conduct of public affairs through freely chosen representatives as it had effectively disenfranchised a significant proportion of citizens, including in the Senate.[33]

27. The Special Rapporteur also expressed concern about the use of law (on associations and non-governmental organizations, on the election of members of the National Assembly, on trade unions and on peaceful demonstrations) to restrict debate and the targeting of media, political opponents, civil society organizations and individuals, including through a wide range of criminal charges, had shrunk the democratic space and stymied serious political debate, essential factors for the enjoyment of the right to take part in the conduct of public affairs.[34]

28. The Special Rapporteur strongly encouraged the expansion of democratic space so that civil society organizations, human rights defenders and political activists, including

members of the former Cambodia National Rescue Party, could actively and openly participate in inclusive political debate. She called for the unconditional release of Mr. Kem Sokha; the lifting of the ban on the 118 former senior members of the Cambodia National Rescue Party; the alignment of laws and regulations, such as the Law on Associations and Non-Governmental Organizations, the Law on Political Parties and the lese-majesty provision, with international standards; reform of the National Election Committee to ensure and maintain its independence from politics; and the lifting of restrictive measures on the activities of civil society organizations, such as the circular of 2 October 2017 requiring prior notification for activities of civil society organizations.[35]

29. The Special Rapporteur recommended that utmost priority should be given to building a culture in which criticism, within reasonable bounds, was not only permitted but accepted and encouraged as indispensable to maintaining peace and development in the short and long term; in which the separation of powers between organs of Government and the separation of State and the ruling party was respected and cherished; and in which the possibility of a peaceful change of Government from one party to another through genuine elections was accepted as the norm rather than resisted.[36]

30. While dealing with a case involving the arrest and detention of five Cambodian nationals who were current and former members of the Cambodian Human Rights and Development Association, the Working Group on Arbitrary Detention considered that the targeting of the Association's members for having provided legitimate legal advice and other assistance to a woman — who was herself the potential victim of abuse of authority — violated the right to freedom of association under article 22 of the International Covenant on Civil and Political Rights.[37]

4. Prohibition of all forms of slavery[38]

31. The Human Rights Committee recommended that Cambodia intensify and better coordinate its efforts to combat trafficking in persons and should also consider establishing a central, authoritative agency responsible for combating human trafficking, by systematically and vigorously investigating and prosecuting perpetrators. In addition, the State party should guarantee adequate protection, reparation and compensation to victims, including rehabilitation.[39]

32. The Committee on the Rights of the Child urged the State party to revise the Law on the Suppression of Human Trafficking and Sexual Exploitation, and to bring it into full compliance with articles 2 and 3 of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, by properly defining and criminalizing all forms of the sale of children and child pornography.[40]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[41]

33. The United Nations country team noted that, in 2017, the Government had introduced improved social protection for workers and a lump-sum payment scheme for pregnant workers and had raised the minimum wage for workers in the textile and footwear industries by 11 per cent in 2018. It also noted that the Government had suspended the drafting of a controversial bill on labour dispute resolution. Despite all those efforts, the living conditions of people working in factories, particularly women, were still poor and net salaries low. Sexual harassment at the workplace continued to be a serious problem, which undermined women's rights and women's participation in the economy.[42]

2. Right to social security[43]

34. The United Nations country team noted that the Government had adopted the National Policy Framework for Social Protection 2016–2025, a long-term road map focusing on social assistance and social security. The Framework aimed to harmonize, concentrate and strengthen existing schemes or programmes in order to increase the effectiveness, transparency and consistency of the social protection system. In addition, it

sought to expand the coverage of the social safety network to all citizens. However, gaps existed between policies and their implementation, which manifested themselves in limited access to social protection schemes by vulnerable groups. The United Nations country team encouraged the Government, in furtherance of the Framework, to ensure institutional capacity and to allocate sufficient resources for its implementation.[44]

3. Right to an adequate standard of living[45]

35. The Secretary-General stated that housing and land disputes continued to be the root cause of most protests and human rights violations in the country, such as infringements of the rights to freedom of expression, association, peaceful assembly and movement, and violations of economic, social and cultural rights, including of indigenous peoples.[46]

36. The United Nations country team indicated that, in 2016, Cambodia had graduated to the status of lower middle-income country. Economic growth had continued at high levels of almost 7 per cent and poverty had continued to decline, although almost a third of the population was still living near the poverty line and risked slipping back into poverty. The benefits of development were not enjoyed equally across all sectors of society and profound challenges remained, including persistent income inequality, an urban/rural divide and vulnerabilities to minor shocks.[47]

37. Given the dramatic economic development and progress in Cambodia, the Special Rapporteur on the situation of human rights in Cambodia noted that it was now timely to focus on securing the Sustainable Development Goals and developing action plans with concrete targets to ensure that all Cambodians could equally share the benefits of that development.[48]

4. Right to health[49]

38. The United Nations country team stressed that the development efforts of Cambodia were reflected in some important health outcomes, such as the significant decline in child mortality rates and the early achievement of the related Millennium Development Goals. Cambodia was one of the 10 fast-track countries in the Partnership for Maternal, Newborn and Child Health. Its HIV response over the past two decades had been highly successful and had resulted in the decline of HIV prevalence in the adult general population aged between 15 and 49 to 0.6 per cent in 2016. However, health outcomes varied according to socioeconomic status and location. For example, children in the poorest quintile had three times greater risk of death before turning 5 than those in the richest quintile.[50]

39. The United Nations country team encouraged the Government (a) to expand the social health protection and prepayment mechanisms and increase national funding for health, in order to alleviate the health burden on households and the high out-of-pocket expenditure on health care and achieve the progressive realization of the right to health and Goal 3 of the Sustainable Development Goals; (b) to increase national financial investment, including in collaboration with the private sector, in innovative, people-centred, evidence-based sustainable interventions for HIV prevention, treatment, care and support programmes so as to reach the national goal of ending AIDS as a public health threat by 2025; (c) to implement the recommendations from the 2015 National Conference on People in Street Situations with support from the United Nations country team.[51]

5. Right to education[52]

40. UNESCO stated that Cambodia should be encouraged to ensure universal, compulsory and free basic education by taking effective targeted inclusive measures for vulnerable groups, such as persons with disabilities and child labourers, and progressively realize 12 years of free education.[53]

41. The United Nations country team indicated that the Ministry of Education, Youth and Sport had worked to secure near universal primary enrolments. However, secondary education drop-out rates were high. Gender disparities still existed at the secondary level, often as a result of food insecurity and poverty, and were very high at the tertiary level. In recent sectoral trends analysis, it was apparent that more girls than boys completed primary, lower and upper secondary school; and for tertiary education, while there appeared to be

gender parity in the pursuit of associate and bachelor degrees, there were far fewer females pursuing advanced degrees. For example, only 22 per cent of students enrolled on master degree programmes in 2016/17 were female. Girls from HIV-affected households were more likely to have missed school compared with girls from non-affected households.[54]

42. The United Nations country team encouraged the Government to make stronger efforts to address school drop-out rates, to assist boys to complete primary, lower and upper secondary education and to improve the access of young women to secondary and tertiary education, including through analysing the root causes of such limited access, such as the quality of education, the cost of education for families, job prospects and the level of vocational training available.[55]

D. Rights of specific persons or groups

1. Women[56]

43. The Special Rapporteur on the situation of human rights in Cambodia noted with concern that violence against women and gender-based violence continued to be a problem. She stressed that there was no evidence of greater use being made of legal provisions. She was particularly concerned that many victims of violence chose to engage in informal mediation and return to live with the alleged perpetrator.[57]

44. The Human Rights Committee, while noting the efforts of Cambodia to combat violence against women at the legislative and policy levels, was concerned about the low number of prosecutions and convictions for gender-based violence. It noted with regret the lack of information provided by Cambodia regarding reparations granted to victims of crimes of sexual violence committed during the Khmer Rouge regime, and the lack of information on the evaluation of the results of the National Action Plan to Prevent Violence against Women. It recommended that Cambodia ensure that cases of domestic and sexual violence were thoroughly investigated, perpetrators were prosecuted and victims were adequately compensated. The country should also provide mandatory training on the prosecution of cases of gender-based violence for law enforcement and judicial officers and facilitate victims' access to justice.[58]

45. The United Nations country team noted with concern that the Law on the Prevention of Domestic Violence and the Protection of Victims had resulted in a limited number of protection orders for victims and a lack of prosecutions. A lack of gender sensitivity among law enforcement and judicial personnel when dealing with victims of sexual assaults and crimes had resulted in a culture of silence and very few cases reached the courts.[59]

46. The United Nations country team noted that gender stereotyping, particularly within the family, but also in schools, communities, workplaces and the media, remained common in Cambodia. The tradition in the Chbab Srey, the code that outlined ways in which girls and women should behave, restricted women in the equal exercise of their rights, limited choices and influenced decisions. Despite some improvements in women's participation in the civil service, politics and decision-making over the past two decades, women continued to be largely underrepresented.[60]

2. Children[61]

47. The Committee on the Rights of the Child was concerned about reports that children in uniforms might have been present during the conflict along the Cambodian-Thai border. It urged Cambodia to ensure that no children wearing uniforms were present along the Cambodian-Thai border and to provide those who may have been involved in armed conflict with appropriate assistance for their physical and psychological recovery and their social reintegration.[62] While taking note of the information provided by the delegation regarding the status of the draft juvenile justice law, the Human Rights Committee was concerned about the absence of a juvenile justice system and the fact that children were often subject to the same procedures as adults. It was also concerned about the failure to ensure that minors were detained separately from adults. It recommended that Cambodia

take measures to establish a comprehensive juvenile justice system in order to ensure that juveniles were treated in a manner commensurate with their age.[63]

48. The same Committee expressed its concern about (a) reports of continued sexual exploitation of children in the context of travel and tourism in various areas of the State party, especially in rural areas; (b) the so-called orphanage tourism, which seemed to be a growing phenomenon in which children in institutions and orphanages were being exposed to sexual exploitation by foreigners, such as tourists and volunteer workers. It urged Cambodia to pursue its efforts to prevent child sex tourism and orphanage tourism and to protect children from becoming victims by strengthening its regulatory framework and awareness-raising measures, including in rural areas, and to take all necessary measures to ensure that all cases of child sex tourism and orphanage tourism were investigated and that alleged perpetrators were prosecuted and duly sanctioned.[64]

49. The United Nations country team expressed concern that 19 per cent of Cambodian children aged between 5 and 17 were economically active and that progress had been limited in attaining indicators and targets on child labour.[65]

50. UNESCO stated that the magnitude of child labour in the country needed to be addressed and Cambodia should be encouraged to adopt special and positive measures facilitating their reinsertion into the education system.[66]

51. The Special Rapporteur on the situation of human rights in Cambodia remained concerned that security forces and families were taking juveniles to drop-in and rehabilitation centres, and to residential care institutions. While that could be a consequence of the anti-drug campaign, there were worrying reports that children with serious disabilities were being detained in those facilities, although they had no history of drug or substance dependency. This situation emphasized the need for comprehensive social and child protection systems in Cambodia and appropriately trained social workers in all communes. However, it also raised issues of comprehensive support for children with disabilities and their families.[67]

52. While acknowledging progress with the rolling out of the multilingual education plan of action, the Special Rapporteur expressed concern about the situation of children from indigenous and ethnic minority groups, including children of Vietnamese descent, who still suffered disadvantages, including in relation to the availability, accessibility, acceptability and adaptability of education. She was also concerned that children had been denied access to school due to the lack of legal documents of their ethnic Vietnamese parents or the revocation of those documents under subdecree 129. Concerning education and health, it was also clear that children with disabilities did not receive equal access to goods, services or facilities. For example, physical access to buildings remained a problem as did the availability of information in sign language and Braille.[68]

3. Persons with disabilities[69]

53. While noting the positive measures put in place by the Government to protect the rights of persons with disabilities, the Special Rapporteur expressed concern that the lack of centralized data on persons with disabilities and the lack of documentation certifying that they were persons with disabilities often hampered their access to specific services, particularly those related to health. She was also concerned about reports of discrimination at schools, health centres and private banks that reinforced the need to continue building awareness among the population on the rights of persons with disabilities. She stressed that access to justice also remained a challenge for persons with disabilities, whether victims or alleged offenders.[70]

54. The United Nations country team was also concerned that there was very little professional support available in the country for those with psychosocial or intellectual disabilities. It encouraged the Government to develop a methodology for collecting data on the number of persons with disabilities in Cambodia, the types of disabilities they had, the services they needed and the main obstacles they faced in accessing their rights and participating freely in society.[71]

55. While noting the reference to the "right to enrolment in public and private educational establishments" and to the promotion of inclusive education by the State in the Law on the Protection and Promotion of the Rights of Persons with Disabilities, UNESCO was concerned about specific provisions, such as the establishment of special classes for persons with disabilities. It also stressed that assessing the extent of disability in the population and its impact on educational disadvantage was essential. It recommended that the Government be encouraged to collect information on people with disabilities and provide adequate measures to ensure their right to education.[72]

4. Minorities and indigenous peoples

56. The Special Rapporteur on the situation of human rights in Cambodia noted with concern that in Stung Treng Province, the Lower Sesan II hydroelectric project had resulted in the Bunong indigenous people losing their homes and much of their spiritual forest and burial grounds to the reservoir's water, leaving them at risk of losing their livelihoods. In Preah Vihear Province, the Kui indigenous people had some of their farmland and spiritual forest cleared by sugar cane companies.[73] The Special Rapporteur recommended that the Government consider simplifying the communal land titling process to reduce the number of steps required and that it allocate additional funding for the development of indigenous communities.[74]

57. While acknowledging the existing legal framework, the Human Rights Committee expressed concern that indigenous peoples were not sufficiently consulted in the decision-making process with respect to issues affecting their rights, including management of their communal lands and the allocation of the land for extractive industries and agribusiness. It was concerned that concessions on the land they claim continue to be granted for private use. The Committee also noted with concern reports that indigenous peoples who did engage with the Government to protect their rights faced significant practical obstacles. It recommended that Cambodia establish an effective consultation mechanism and ensure meaningful consultation with indigenous peoples in decision-making in all areas having an impact on their rights.[75]

58. The United Nations country team encouraged the Government (a) to speed up the process of registration of all Vietnamese and Khmer Krom in Cambodia, in particular children, and ensure their access to economic and social rights; (b) to collect data on indigenous, ethnic and religious minorities, including in the upcoming census, respecting the principles of disaggregation, self-identification, transparency, privacy, participation and accountability; and (c) to roll out the new National Action Plan for Multilingual Education and ensure sufficient funding.[76]

5. Migrants, refugees, asylum seekers and internally displaced persons

59. In the context of meeting international labour standards and Goal 8 of the Sustainable Development Goals, the United Nations country team encouraged the Government to increase protection mechanisms for Cambodian migrants abroad, including domestic workers, and closely monitor labour agencies recruiting and deploying Cambodian migrant workers abroad.[77]

60. UNHCR expressed concern that the national elections planned for July 2018 had prompted heightened political tensions and increased human rights abuses in Cambodia. It stressed that, in particular, ethnic Vietnamese in the country had become a point of political divide, leading to raids on Vietnamese communities (comprised of both migrants and refugees) and withdrawal of citizenship documents for an unknown number of ethnic Vietnamese. Consequently, those individuals had to restart the naturalization process regardless of the number of years of residence in Cambodia.[78]

61. While noting the measures taken by the Government to strengthen birth registration, UNHCR expressed concern that existing law and practice restricted the issuance of birth registration to Khmers. It was also concerned that national legislation did not clearly define who belonged to that category, and that the issuance of birth certificates for Khmers was further hindered by requirements such as registration in a family book and the possession of an address (residential). It noted that the documentation issued by authorities was

designated as "Khmer birth certificates", which might pose problems for persons who did not self-identify as Khmer.[79]

6. Stateless persons

62. The Human Rights Committee was concerned about the situation of Khmer Krom and ethnic Vietnamese people who had been residing in Cambodia for generations and who had been left stateless or lacked Cambodian identity documents. It was also concerned about the insufficient safeguards to ensure that children born in Cambodia who would otherwise be stateless acquired Cambodian nationality and had access to identity documents. It recommended that Cambodia take all measures necessary to ensure the full enjoyment of Covenant rights by all residents, including stateless persons. It also recommended that Cambodia facilitate access to identification documentation and guarantee the right of stateless children who were born in the territory of Cambodia to stateless parents to acquire a nationality.[80]

Notes

[1] Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Cambodia will be available at www.ohchr.org/EN/Countries/AsiaRegion/Pages/KHIndex.aspx.
[2] For relevant recommendations, see A/HRC/26/16, paras. 118.1–118.12, 119.1–119.15 and 119.13–119.19.
[3] CCPR/C/KHM/CO/2, para. 5.
[4] UNHCR submission for the universal periodic review of Cambodia, p. 3.
[5] UNESCO submission for the universal periodic review of Cambodia, para. 10.
[6] For relevant recommendations, see A/HRC/26/16, paras. 118.13–118.38, 118.80 and 119.6–119.12.
[7] CRC/C/OPAC/KHM/CO/1, paras. 16–17.
[8] Ibid., paras. 8–9.
[9] A/HRC/33/39, para. 3.
[10] A/HRC/39/73, paras. 13 and 93.
[11] For relevant recommendations, see A/HRC/26/16, paras. 118.49–118.58.
[12] CCPR/C/KHM/CO/2, para. 8.
[13] Ibid., para. 23.
[14] Ibid., para. 9.
[15] For relevant recommendations, see A/HRC/26/16, paras. 118.127–118.136 and 119.30–119.33.
[16] United Nations country team submission for the universal periodic review of Cambodia, para. 37.
[17] A/HRC/36/61, para. 52.
[18] United Nations country team submission, para. 34.
[19] CCPR/C/KHM/CO/2, para. 12.
[20] Ibid., para. 13.
[21] For relevant recommendations, see A/HRC/26/16, paras. 118.60–118.61, 118.79–118.99, 119.20–119.22 and 119.28.
[22] CCPR/C/KHM/CO/2, para. 11.
[23] Ibid., para. 19.
[24] A/HRC/33/39, para. 6.
[25] A/HRC/39/73, para. 13.
[26] For relevant recommendations, see A/HRC/26/16, paras. 118.101–118.124, 119.23–119.27 and 119.29.
[27] CCPR/C/KHM/CO/2, para. 21.
[28] UNESCO submission, para. 25.
[29] A/HRC/39/73/Add.1, para. 18.
[30] A/HRC/39/73, para. 69.
[31] See statement by the Special Rapporteur at the thirty-ninth session of the Human Rights Council. Available at www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=23639&LangID=E.
[32] A/HRC/WGAD/2018/9, paras. 47 and 57.
[33] A/HRC/39/73/Add.1, para. 87.
[34] Ibid., para. 88.
[35] Ibid., para. 89.
[36] Ibid., para. 90.
[37] A/HRC/WGAD/2016/45, paras. 43 and 46.
[38] For the relevant recommendation, see A/HRC/26/16, paras. 118.75–118.78.

[39] CCPR/C/KHM/CO/2, para. 18.
[40] CRC/C/OPSC/KHM/CO/1, para. 21.
[41] For relevant recommendations, see A/HRC/26/16, paras. 118.124–118.128.
[42] United Nations country team submission, para. 34.
[43] For relevant recommendations, see A/HRC/26/16, paras. 118.137–118.146.
[44] United Nations country team submission, paras. 54–55.
[45] For relevant recommendations, see A/HRC/26/16, paras. 118.128 and 118.138–118.145.
[46] A/HRC/30/30, para. 4.
[47] United Nations country team submission, para. 31.
[48] A/HRC/39/73, para. 91.
[49] For relevant recommendation, see A/HRC/26/16, paras. 118.147–118.160.
[50] United Nations country team submission, para. 43.
[51] Ibid., para. 49.
[52] For relevant recommendations, see A/HRC/26/16, paras. 118.153, 118.158–118.168 and 119.34.
[53] UNESCO, p. 6.
[54] United Nations country team submission, para. 51.
[55] Ibid., para. 53.
[56] For relevant recommendations, see A/HRC/26/16, paras. 118.62–118.65.
[57] A/HRC/36/61, para. 38.
[58] CCPR/C/KHM/CO/2, para. 10.
[59] United Nations country team submission, para. 61.
[60] Ibid., paras. 62–63.
[61] For relevant recommendations, see A/HRC/26/16, paras. 118.59, 118.62–118.74 and 118.77–118.78.
[62] CRC/C/OPAC/KHM/CO/1, paras. 20–21.
[63] CCPR/C/KHM/CO/2, para. 15.
[64] CRC/C/OPSC/KHM/CO/1, paras. 18–19.
[65] United Nations country team submission, para. 58.
[66] UNESCO submission, para. 18.
[67] A/HRC/39/73, para. 28.
[68] Ibid., para. 18.
[69] For relevant recommendations, see A/HRC/26/16, paras. 118.169–118.171.
[70] A/HRC/39/73, para. 48.
[71] United Nations country team submission, paras. 72–74.
[72] UNESCO submission, paras. 12 and 17.
[73] A/HRC/39/73, para. 32.
[74] A/HRC/36/61, para. 28.
[75] CCPR/C/KHM/CO/2, para. 28.
[76] United Nations country team submission, para. 71.
[77] Ibid., para. 77.
[78] UNHCR submission, p. 2.
[79] Ibid., p. 3.
[80] CCPR/C/KHM/CO/2, para. 27.

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Summary of Stakeholders' submissions on Cambodia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 31 stakeholders' submissions[1] to the universal periodic review, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations[2] and cooperation with international human rights mechanisms and bodies[3]

2. JS17 recommended that Cambodia ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[4]

3. JS13 recommended that Cambodia take all necessary steps to accede to and fully implement the 1954 and 1961 Statelessness Conventions.[5]

4. The International Campaign to Abolish Nuclear Weapons recommended that Cambodia signs and ratifies the UN Treaty on the Prohibition of Nuclear Weapons as a matter of international urgency.[6]

5. Human Rights Watch noted that the authorities of Cambodia have responded to reports by UN special procedure mandate holders with personal attacks, public insults, refusals to meet, and neglectful silence towards requests to undertake missions to Cambodia. It recommended that Cambodia issue standing invitations to the UN special procedures, and engage constructively with the special rapporteur for human rights in Cambodia, the OHCHR, and all UN special procedures.[7]

6. Front Line Defenders recommended that Cambodia cooperate fully with the UN Special Procedures, including the UN Special Rapporteur on the situation of human rights

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defenders, by responding to their urgent appeals and letter of allegations and accepting the mandate holders' outstanding requests to visit the country.[8]

B. National human rights framework[9]

7. The International Commission of Jurists recommended that Cambodia: (a) Repeal or amend domestic laws to bring them in line with Cambodia's international human rights obligations, including, but not limited to: the Law on Political Parties; the Law on Associations and Non-governmental Organizations; the Cambodian Criminal Code; the Cambodian Constitution; the Law on the Organization of the Courts, the Law on the Statute of Judges and Prosecutors, and the Law on the Organization and Functioning of the Supreme Council of the Magistracy.[10]

8. JS 15 noted with concern that recent amendments to the constitution and criminal code have been used to impose criminal charges on union leaders and labor right activists. Articles 305 and 307 of the Criminal Code set out the offences of defamation and insult, which require only that the defamation or insult be "circulated in public or exposed to the sight of the public." This clause exposes union leaders and labor rights activists to risks of being prosecuted for private conversations that are later publicized without their consent.[11]

9. The International Centre for Trade Union Rights noted with concern that the new Trade Union Law approved in April 2016 has been adopted in spite of objections from sections of the Cambodian labour movement and from the international trade union community. It stated that the law restricts the formation of trade unions, by mandating registration, imposing onerous reporting and compliance obligations which leave unions vulnerable to dissolution. Engaging in the activities of unregistered unions is criminalized, and there are potentially problematic requirements for employers to maintain lists of workers and to share these with the authorities in relation to trade union recognition.[12]

10. Reporters Without Borders recommended that Cambodia amend the 1995 Law on the Press so as to bring it in line with international standards on freedom of expression and information and reinforce guarantees for journalistic freedom. In particular, article 12 of this law, which prohibits the publication of reports that could "affect national security and political stability" and allows confiscation of publications without reference to the courts, must be repealed. It also recommended that the authorities enact appropriate legislation to limit media ownership concentration.[13]

11. JS5 recommended the establishment of an independent national human rights institution, including child rights unit, well-resourced in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the "Paris Principles").[14]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross-cutting issues

Equality and non-discrimination[15]

12. JS3 noted with concern that the LGBTIQ community in Cambodia face numerous forms of discrimination, and are denied basic equality, including the lack of legal protection against discrimination and violence against LGBTIQ people, the absence of legal recognition of self-defined gender identity, the absence of marriage equality in Cambodian law; and the denial of full adoption rights to rainbow couples. It recommended that Cambodia introduce an Anti-Discrimination Law, which guarantees equality and explicitly prohibits discrimination of all kinds, including on the basis of SOCIESC, in all areas of public and private life, including in employment, education and access to health care, by all private and state actors.[16]

13. While acknowledging that in 2014, The Ministry of Women's Affairs' five-year strategic plan noted that bisexual women and trans persons are among the most vulnerable

groups in society, facing a higher risk of discrimination, stigma and GBV, JS3 expressed concern that the LGBTIQ community in Cambodia still endure high levels of GBV, affecting in particular transgender women.[17]

Development, the environment, and business and human rights[18]

14. Cultural Survival noted that deforestation remains a major issue in Cambodia, although the government has stated its goal to reach 60% tree cover by 2030. With economic interests exploiting natural resources, many Cambodian Indigenous Peoples have been forcibly evicted from their home lands. Climate change has made dry seasons drier and the rainy seasons rainier, increasing high flooding and drought, impacting Indigenous Peoples' rice farming and fishing.[19]

15. JS6 was concerned that mining projects and power dam have caused serious pollution to the water, fishery resources and life of people at the lower land. It also noted with concern that in May 2018, dozens of people died and hundreds were under medical treatment as a result of water pollution at Prek Ter River at Kratie province. It recommended that Cambodia amend through a consultative approach the current Forestry Law, Fishery Law, Sub-degree on Economic Land Concessions in order to recognize the rights of local people and communities and hold accountable those involved in the destruction of natural resources including fishery, forestry, water and environment.[20]

16. JS 10 noted that thousands of families across four Cambodian provinces (Koh Kong, Kampong Speu, Oddar Meanchey, and Preah Vihear) still awaited proper redress for their loss of land, homes, livelihoods, and other harm suffered as a result of the massive expansion of the Cambodian sugar industry. It noted with concern that community representatives advocating for adequate redress and effective remedies for their communities have faced intimidation, imprisonment, and violence, and have been coerced into accepting inadequate compensation for their losses. It recommended that Cambodia ensure that communities receive adequate compensation for their loss of land and other damages, and when possible, be allowed to return to their original lands and rebuild their homes.[21]

2. Civil and political rights

Right to life, liberty and security of person

17. JS 11 noted with concern that on 10 July 2016, a prominent political analyst and human rights advocate was assassinated in central Phnom Penh. It stressed that the killing came days after the victim had participated in a radio program discussing a critical report by the NGO *Global Witness*, which detailed how relatives of governmental officials have taken control of large sectors of Cambodia's economy.[22] It stated that on 23 March 2017, a former soldier was convicted of the victim's murder after a trial that left many unanswered questions over credible evidence suggesting the involvement of accomplices in the killing.[23]

Administration of justice, including impunity, and the rule of law[24]

18. JS7 was concerned that, since the second review of Cambodia, the situation of the administration of justice has significantly worsened, with the judicial system being regularly used as a tool to target political opponents, land-activists, journalists and critical social media users alike. It also noted with concern that impunity remains a serious issue in Cambodia. Cases involving crimes perpetrated against environmental activists, land rights activists, garment workers, and trade unionists as well as journalists are often either not investigated at all or investigated without transparency, independence and impartiality.[25] When perpetrators are convicted, they often receive a lenient sentence or are released early. It recommended Cambodia Amend the appointment procedure for judges, especially at the Supreme Court, to ensure that judges are independent, apolitical and have no conflict of interest.[26]

19. The ICJ recommended that Cambodia take necessary measures to hold to account perpetrators of harassment, intimidation and violence against members of the political opposition, civil society, critical media, lawyers, prosecutors, judges and/or individuals for the legitimate exercise of their fundamental freedoms. It also recommended to end the

prosecution of individuals under article 437 *bis* of the Cambodian Criminal Code and release individuals detained under *lèse-majesté* charges. It urged Cambodia to end the use of law as a tool of harassment, intimidation or silencing of members of the political opposition, civil society, critical media, lawyers, prosecutors, judges and/or individuals, in recognition of rights protected under international human rights law.[27]

20. Advocates for Human Rights recommended that Cambodia take concrete action to ensure that conditions of arrest and pre-trial detention meet international standards, including by reducing the length of time detainees spend in pre-trial detention. It also recommended that Cambodia bring conditions of detention into compliance with the Nelson Mandela Rules, particularly with respect to air-quality standards, access to water, and access to electricity.[28]

21. JS 12 noted with concern that the rapidly increasing rates of arrest for drug-related offences, and subsequent detention or imprisonment, constitute punitive measures that pose barriers to implementation of and access to voluntary treatment and harm reduction services. It was also concerned that for children, detention or imprisonment facilitates contacts with older criminals and criminal gangs, leaves them with a criminal record that severely hampers future life opportunities, exacerbates social exclusion, and deteriorates their health and social skills.[29]

Fundamental freedoms and the right to participate in public and political life[30]

22. JS2 noted with concern that the situation for the rights to freedom of expression, information and association has significantly deteriorated in Cambodia, including legal framework for freedom of expression, digital rights, media freedom, threats to human rights defenders, including environmental activists and Freedom of association and the right to participate in public affairs.[31]

23. JS4 noted with concern that the government has also utilised the legal framework to suppress and criminalise the legitimate expression of dissent and political speech, amidst a crackdown against the political opposition, the media and dissenting voices, increasingly in relation to online expression. In February 2018, an amendment to the Criminal Code introduced a 'lèse-majesté' offence to the Criminal Code that unduly restricts the freedom of expression. Amendments to articles 42 and 49 of the Constitution enacted in early 2018 introduce the risk that the legitimate exercise of the freedom of expression could be considered unconstitutional if deemed "directly or indirectly" to affect the "national interest".[32]

24. JS4 was also concerned that the 2016 Law on Telecommunications creates a series of criminal offences carrying heavy criminal penalties related to expression while using telecommunications devices. The inter-ministerial *Prakas* (Proclamations) on website and social media control issued on 28 May 2018 by the Ministry of Information and the Ministry of Posts and Telecommunication orders to "block or close" websites and social media pages containing content "considered as incitement, breaking solidarity, discrimination and wilfully creating turmoil leading to undermining national security, public interest and social order." This *Prakas* severely restricts the right to privacy and to the freedom of expression of every internet and social media user in Cambodia.[33]

25. ADF International recommended that Cambodia ensure that the right to freedom of religion or belief is guaranteed and protected within Cambodia, and that Christians and other religious minorities are treated equally and with respect to all of their human rights and fundamental freedoms by both society and the State.[34]

26. JS9 noted with concern that the amendment of the Law on Political Parties has given the government the legitimate and unchallenged authority to suspend and dissolve political parties, effectively removing their leadership from politics. It stressed that this law is considered to be politically motivated and aims to prevent competition from the activities of opposition political parties in elections. It stated that the president of the opposition party, the Cambodia National Rescue Party (CNRP), was arrested on September 2017 for treason charges his party was forcefully dissolved by the Supreme Court in November 2017 based on the groundless complaint filed by the Ministry of Interior. A total of 118 senior members of CNRP were banned from political activity for five years.[35]

27. Reporters without borders was concerned that Cambodian and foreign journalists working in Cambodia are often arrested and subjected to draconian judicial proceeding clearly designed to intimidate them and encourage the traditional media to censor themselves. It also noted with concern that, in August and September 2017, some 30 print media and radio stations were closed down or deprived of their broadcast signals. It recommended that the authorities release the unjustly imprisoned journalists and drop the baseless charges against them and others such as journalists.[36] Crimes of violence against journalists must be the subject of systematic and thorough investigation and prosecution leading to the conviction of those responsible by independent courts.[37]

28. Front Line Defenders noted with concern that on 15 July 2015, the Cambodian National Assembly passed the controversial Law on Associations and Non-Governmental Organizations (LANGO). Foreign NGOs face severe restrictions through stricter penalties and reporting requirements. Between August-November 2017, the Cambodian government used the LANGO to force the closure of the Cambodian office of National Democracy Institute. During this time authorities also de-registered the environmental NGO Mother Nature Cambodia and temporarily suspended the operations of land rights NGO Equitable Cambodia for alleged breaches of the LANGO.[38]

29. JS 11 noted with concern that prominent land rights activist and woman human rights defender Tep Vanny of the Boeung Kak Lake community has been imprisoned since mid-August 2016. She is currently serving a two-and-a-half-year sentence on trumped-up charges of "intentional violence with aggravating circumstances" relating to a land rights protest. It stressed that since her arrest in 2016 she has faced four separate legal proceedings, which are politically motivated and relate to her peaceful expression and participation in demonstrations. It recommended the immediate and unconditional release all HRDs detained on unsubstantiated charges for exercising their rights to freedom of opinion and expression and freedom of peaceful assembly and effective remedies to all individuals arbitrarily detained.[39]

Prohibition of all forms of slavery

30. JS8 stated that Cambodia is a source, transit and destination country for children victims of trafficking. It noted that trafficking for sexual exploitation occurs primarily from Cambodia to Thailand and Vietnam, from Vietnam to Cambodia, where children are exploited in brothels, beer gardens, massage parlours, karaoke and other venues. It was concerned about the trafficking of young ethnic Vietnamese girls to Phnom Penh, Sihanoukville or Siem Reap for the purpose of sexual exploitation. It stressed that although international attention focuses more on girls, young Cambodian boys are also vulnerable to sexual trafficking and abuse. It recommended that Cambodia include trafficking of children with the purpose of sexual exploitation in the new National Plan of Action Suppression of Human Trafficking, Smuggling, Labour, and Sexual Exploitation.[40]

3. Economic, social and cultural rights

Right to work and to just and favourable conditions of work[41]

31. The International Trade Union Confederation noted with concern the climate of violence and insecurity for trade unionists. In January 2014, security forces violently attacked a protest over the payment of minimum wages killing six persons. The government claims that, it established three investigative Committees, including the Veng Sreng Road Violance Fact-Finding Commission, which completed their work two years ago. However, the findings of these Committees have never been shared with the public or the concerned trade unions. Furthermore, the government has been unable to point at any measures taken as the result of these investigations. There is still no investigation and prosecution with respect to the murder of Chea Vichea, Ros Sovannarith and Hy Vuthy, all former leaders of the Free Trade Union of the Workers of the Kingdom of Cambodia.[42]

32. Clean Clothes Campaign expressed concern about crackdowns on the right to join and establish trade unions without interference and the right to carry out trade union activities. It stressed that in the past few years, the Government of Cambodia has acted repeatedly to limit the activities of certain unions, to curtail their general operations, and to prosecute key trade

union organisers and activists. It noted with concern that according to the 2018 ITUC Global Rights Index, an annual survey of violations of trade union rights globally, Cambodia is one of the ten worse countries for workers' rights.[43]

Right to social security

33. JS17 recommended that Cambodia ensure that all citizens access free and/or affordable social services, including via social security schemes via a fair, accountable, and transparent tax-based financing. Cambodia must also enlarge the implementation of the pension scheme in support to all Cambodian, in particular, people with disabilities, elders, LGBTIQ individuals, women and children.[44]

Right to an adequate standard of living[45]

34. Cambodian Disabled People's Organisation noted that employment is a key priority as part of the alleviation of poverty amongst persons with disabilities and underpins inclusion of persons with disabilities in Cambodian society. It recommended that Cambodia, in line with the National Disability Strategic Plan 2014 – 2018 Strategic Objective 1, reduce poverty of persons with disabilities, through the promotion of increased work and appropriate employment for persons with disabilities, to ensure their improved livelihood and enhance independence.[46]

35. JS1 noted that among the main issues of indigenous peoples in Cambodia are the loss of their rights to land through economic land concessions and land conflicts, population growth and in-migration. The degradation of forest and general loss of their rights to their lands have gravely affected their impoverishment, health and education. It recommended that Cambodia revoke the limitation of indigenous peoples' sacred forests and gravesites (seven hectares respectively) in their collective land title applications.[47]

Right to health[48]

36. ADF recommended that Cambodia improve its health-care infrastructure, access to emergency obstetric care, midwife training, and resources devoted to maternal health. It should also focus on safely getting mothers and babies through pregnancy and childbirth, with special attention paid to improving health-care access for women from poor and/or rural backgrounds.[49]

37. JS1 noted with concern that Ratanakiri and Mondulkiri provinces, where a large number of indigenous peoples live, have poorer health status. It stressed that the health indicators in these two provinces are significantly below the national average. Around 80 percent of the indigenous household faces chronic food infection, particularly infant between 4 to 8 months old. It recommended that Cambodia ensure full and equal access to public health and education services for indigenous peoples through increasing the number of health care and education facilities that sensitive to indigenous peoples culture and rights.[50]

Right to education[51]

38. JS1 was concerned that indigenous peoples have lower education achievement than the majority Khmer. It recommended that Cambodia consider reviewing the bilingual education programmes in consultation with indigenous peoples and ensure a method that will improve the learning environment for indigenous peoples. In addition, Cambodia should provide particular assistance to indigenous women and girls and ensure full support to achieve proper education until tertiary level.[52]

4. Rights of specific persons or groups

Women[53]

39. JS 16 noted with concern that all forms of gender-based violence remain common and domestic violence is often treated as a family problem rather than as a crime. Similarly, there are few resources for women facing sexual harassment in the workplace. Perpetrators of sexual and gender based-violence often go unpunished. It noted with concern that there is a shortage of psychiatrists and psychologists in the country in order to provide treatment for

anxiety or post-traumatic distress to the survivors of sexual and gender-based violence. It recommended that Cambodia establish and allocate in the national budget adequate human and financial resources to manage and operate at least 5 one-stop service centers, which provide medical, legal, psychological and economic services free of charge to all victims of all forms of gender-based violence.[54]

40. JS17 stated that the lack of equality for Cambodian women in labor force is one of the main concerns for Cambodian women since women are employed at almost the same rate as men, but are more likely to be in the informal economy or lower paid positions. The majority of the women are employed at the lower end of the value chain, typically performing clerical and sales roles at the entry level.[55]

41. La Manif Pour Tous suggère aucune tolérance à l'égard de la gestation pour autrui (GPA), une pratique qu'elle considère comme réduisant les femmes à une fonction reproductive. La Manif Pour Tous recommande au Cambodge d'adopter une législation spécifique interdisant la pratique de la GPA en vue d'une meilleure efficacité et de prévoir une interdiction complète de la GPA.[56]

Children[57]

42. JS5 noted with concern that child marriage has a multifaceted and profound impact on children's lives, affecting their health, education, psychological development, social life, relationships and increased risk to future adversities. It was also concerned that the majority of teen brides don't receive any information about sexual and reproductive health, family planning, or childcare before they become pregnant which adds an extra dimension to the complexities of motherhood. It stated that child brides often drop out of school and become pregnant, and these early pregnancies have a greater risk of ending in maternal or infant death. It recommended that Cambodia strictly enforce the legal age for marriage to prohibit child marriage and strictly prohibit child marriage ceremonies and promote awareness-raising campaigns to prevent child marriage.[58]

43. The Global Initiative to End All Corporal Punishment of Children noted with concern that corporal punishment is prohibited in Schools and in the penal system, but it is still lawful in the home and in alternative and day care settings. It recommended that a law be enacted to explicitly prohibit all corporal punishments in all settings, including in the home. All legal defences for its use, including in the Civil Code and in the Law on the prevention of domestic violence and the protection of victims 2005, should be repealed.[59]

Persons with disabilities[60]

44. Cambodia Disabled People's Organisations noted that although Cambodia has developed and is implementing several schemes to provide a safety net for the most vulnerable including persons with disabilities, there are still ways to improve social protection. It recommended to ensure that all persons with disabilities, including those working in the informal sector, have access to the National Social Security Fund in the coming 4 years. It also recommended to the Government to increase the level of the pension to $50 per month for persons with a severe disability.[61]

Minorities and indigenous peoples

45. JS1 noted that the 2002 Forest Law and the 2001 Land Law recognise indigenous peoples' traditional use of land and the latter allows indigenous peoples to apply for community land titling. However, the process to apply for community land titling have been particularly challenging for indigenous peoples. It stated that, as of December 2017, among 458 indigenous villages in 15 provinces, only 19 of them have their land registered as indigenous collective land titles.[62]

46. JS 14 stated that the current situation of the Khmer Krom and other ethnic minorities in Cambodia is worrying. It stressed that the standards applied to Khmer Krom and ethnic minorities are remarkably different from those applied to the majority of the population. For Khmer Krom, the right to citizenship is restricted and there is significant discrimination leading to denial of rights. It recommended urgent action to resolve and clarify the citizenship status of Khmer Krom and to address their land rights.[63]

Migrants, refugees, asylum seekers and internally displaced persons

47. JS15 noted that Cambodia plays a significant role as a country of origin and destination for migrant workers. Cambodian migrant workers sent abroad are poorly protected and face challenges including physical and mental abuse, exploitation, human trafficking and enslavement. Similarly, there is a large population of migrant workers currently living in Cambodia, particularly Vietnamese, who lack proper documentation.[64]

Stateless persons

48. JS 13 noted with concern that stateless individuals in Cambodia often face significant barriers in accessing fundamental human rights, such as access to formal employment, education, health care, adequate housing and freedom of movement.[65]

49. JS 14 was concerned that ethnic minorities living on the floating communities along Tonle Sap Lake are facing statelessness by having no legal status even if they have lived long-term, in the same area. It stated that this vicious cycle negatively affects the opportunities of the next generation and restricts access to public services and human rights. In particular, children of stateless parents have no rights to access school because they have no basic documentation to support their birth certificate.[66]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

ADF International	Geneva, Switzerland;
AHR	Advocates for Human Rights, Minneapolis, United States of America;
CCC	Clean Clothes Campaign, Amsterdam, Netherlands;
CDPO	Cambodian Disabled People's Organization, Phnom Penh, Cambodia;
CS	Cultural Survival, Cambridge, MA 02140, United States of America;
FLD	Front Line Defenders - The International Foundation for the Protection of Human Rights Defenders, Blackrock, county Dublin, Ireland;
GIEACPC	Global Initiative to End All Corporal Punishment of Children, London, United Kingdom of Great Britain and Northern Ireland;
HRW	Human Rights Watch, Geneva, Switzerland;
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva, Switzerland;
ICJ	International Commission of Jurists, Geneva, Switzerland;
ICTUR	International Centre for Trade Union Rights, London, United Kingdom of Great Britain and Northern Ireland;
ITUC	International Trade Union Confederation, Brussels, Belgium;
LMPT	La Manif Pour Tous, Paris, France ;
RSF	Reporters Without Borders International, Paris, France

Joint submissions:

JS1	**Joint Submission 1 submitted by**: Cambodia Indigenous Peoples Alliance (CIPA), Cambodia Indigenous Youth Association (CIYA) Asia Indigenous Peoples Pact (AIPP);
JS2	**Joint Submission 2 submitted by**: ARTICLE 19 and PEN America;
JS3	**Joint Submission 3 submitted by**: The Cambodian Center for Human Rights ("CCHR"), Rainbow Community Kampuchea ("RoCK"), Destination Justice ("DJ"), Micro Rainbow International ("MRI"), the Reproductive Health Association of Cambodia ("RHAC"), the International Lesbian, Gay, Bisexual, Trans and Intersex Association ("ILGA"), ILGA Asia, ASEAN Sexual Orientation and Gender Identity/Expression Caucus ("ASC"), the Swedish Association for Sexuality Education ("RFSU"), ActionAid Cambodia, DanChurchAid Cambodia ("DCA"), and CamASEAN;
JS4	**Joint Submission 4 submitted by**: World alliance for Citizen Participation (CIVICUS) , the Cambodian Center for Human Rights (CCHR), the Cambodian Human Rights and Development Association (ADHOC), IFEX, and Solidarity Center;
JS5	**Joint Submission 5 submitted by**: Child Rights Coalition Cambodia;
JS6	**Joint Submission 6 submitted by**: Cambodian Youth;
JS7	**Joint Submission 7 submitted by**: Destination Justice;
JS8	**Joint Submission 8 submitted by**: ECPAT International and APLE Cambodia;
JS9	**Joint Submission 9 submitted by**: Coalition of NGOs on Elections for UPR Cambodia;
JS10	**Joint Submission 10 submitted by**: The International Federation for Human Rights (FIDH), the Cambodian League for the Promotion and Defense of Human Rights (LICADHO), and the Asian Forum for Human Rights and Development (FORUM-ASIA);

JS11	**Joint Submission 11 submitted by**: The International Federation for Human Rights (FIDH) and the Cambodian League for the Promotion and Defense of Human Rights (LICADHO);
JS12	**Joint Submission 12 submitted by**: International Drug Policy Consortium;
JS13	**Joint Submission 13 submitted by**: The Minority Rights Organisation, the Khmer Kampuchea Krom for Human Rights and Development Association, the Institute on Statelessness and Inclusion), the statelessness Network Asia Pacific and the Minority Rights Group International;
JS14	**Joint Submission 14 submitted by**: Khmer Kampuchea Krom for Human Rights and Development Association (KKKHRDA), Minority Rights Organization (MIRO), Cambodian Human Rights Center (CCHR), Alliance for Conflict Transformation (ACT) and a coalition with other 6 Khmer Krom Human Rights Organizations based in Cambodia and working on Khmer Krom human rights;
JS15	**Joint Submission 15 submitted by**: Labor Rights Group Thematic Group;
JS16	**Joint Submission 16 submitted by**: Cambodian NGO Committee on CEDAW;
JS17	**Joint Submission 17 submitted by**: Submission by the Social Action for Community and Development ("SADC"), Women's Network for Unity ("WNU"), Rainbow Community Kampuchea ("RoCK"), and Health Action Coordination Committee ("HACC").

[2] The following abbreviations are used in UPR documents:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination;
ICESCR	International Covenant on Economic, Social and Cultural Rights;
OP-ICESCR	Optional Protocol to ICESCR;
ICCPR	International Covenant on Civil and Political Rights;
ICCPR-OP 1	Optional Protocol to ICCPR;
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty;
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women;
OP-CEDAW	Optional Protocol to CEDAW;
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
OP-CAT	Optional Protocol to CAT;
CRC	Convention on the Rights of the Child;
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict;
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography;
OP-CRC-IC	Optional Protocol to CRC on a communications procedure;
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
CRPD	Convention on the Rights of Persons with Disabilities;
OP-CRPD	Optional Protocol to CRPD;
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearance.

[3] For relevant recommendations see A/HRC/26/16, paras. 118.1–118.12; 119.1-5 and 13-19.

[4] JS17, para 3.8.4.

[5] JS 13, para 14 and 23.

[6] ICAN, page 1.

[7] HRW, P 5.

[8] Front Line Defenders, page p 5.

[9] For relevant recommendations see A/HRC/26/16, paras. 118.13–118.38; 118.80; 119.6-12.

[10] ICJ, para 43.

[11] JS15, para 4.16.

[12] ICTUR, p5.
[13] RSF, p6.
[14] JS5, para 32.
[15] For relevant recommendations see A/HRC/26/16, paras. 118.49-58.
[16] JS3, para 5.
[17] JS3, para 29.
[18] For relevant recommendations see A/HRC/26/16, paras 118.127-136; 119.30-33.
[19] Observation on the State of Indigenous Human Rights in Cambodia, Cultural Survival, P 2.
[20] JS6 para 5.3.
[21] JS 10, para 9 and 10.
[22] See submission for cases cited.
[23] JS11, para 6.
[24] For relevant recommendations see A/HRC/26/16, paras 118. 60-61, 79-99 and 119. 20-22, 28.
[25] See submission for cases cited
[26] JS7, para 5 and 7.
[27] ICJ, para 43.
[28] Advocates for Human Rights, para 35.
[29] JS 12, para 2.5.
[30] For relevant recommendations see A/HRC/26/16, paras 118.101-124, 119.23-27 and 29.
[31] JS2, ARTICLE 19 and PEN America, para 1.
[32] JS4, para 4.1 and 4.2.
[33] JS4, para 4.4.
[34] ADF International, para 6 and 19.
[35] JS9, para 5.3-5.
[36] See submission for cases cited.
[37] RSF, p 4 and 5.
[38] Front Line Defenders, Para 10 and 12.
[39] JS11, para 7.
[40] JS8, para 9 and 18.
[41] For relevant recommendations see A/HRC/26/16, para 118.124-128.
[42] ITUC, p6.
[43] Clean Clothes Campaign, page 1.
[44] JS17, para 19.
[45] For relevant recommendations see A/HRC/26/16, para 118.128, 138-145.
[46] CDPO, Para 29 and 30.
[47] JS1, para 4.
[48] For relevant recommendations see A/HRC/26/16, para 118. 147-160.
[49] ADF, para 19.
[50] JS1, para 27 and 37.
[51] For relevant recommendations see A/HRC/26/16, para 118.153, 158-168, 119.34.
[52] JS1, para 27, 35 and 36.
[53] For relevant recommendations see A/HRC/26/16, para 118.62-65.
[54] JS16, para 3.3.
[55] JS 17, para 3.8.1.
[56] La Manif pout tous, para 13,14 et 18.
[57] For relevant recommendations see A/HRC/26/16, para 118.59, 62-74, 77-78.
[58] JS5, para 10.
[59] The Global Initiative to End All Corporal Punishment of Children, Para 2.
[60] For relevant recommendations see A/HRC/26/16, para 118.169-171.
[61] CDPO, para 19.
[62] JS1, para8.
[63] JS 14, para 27.
[64] JS15, para 4.42.
[65] JS 13, para 14.
[66] JS 14, para 29.